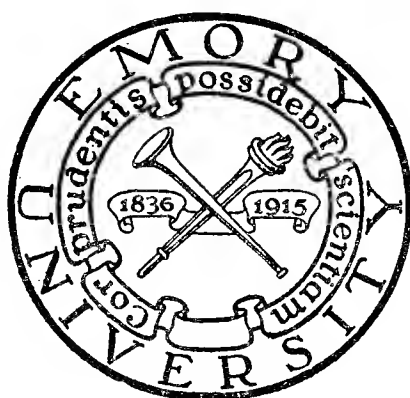


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**JOURNAL**  
**OF**  
**THE SENATE**  
**OF THE**  
**STATE OF GEORGIA,**  
**AT AN**  
**ANNUAL SESSION**  
**OF**  
**THE GENERAL ASSEMBLY**  
**BEGUN AND HELD AT**  
**MILLEDGEVILLE, THE SEAT OF GOVERNMENT,**  
**IN NOVEMBER AND DECEMBER,**  
**1827.**

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**PRINTED BY CAMAK & RAGLAND,**

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1828.



**JOURNAL**  
**OF**  
**THE SENATE**  
**OF THE**  
**STATE OF GEORGIA.**

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In an annual Session of the General Assembly, begun and held at State House, in the town of Milledgeville, on Monday the fifth of November, 1827, the following members, from their several counties, attended; and the hon. Peter Crawford, chosen as Chairman, having taken his seat, they produced their credentials, and were severally sworn, agreeably to the Constitution of this State, & to support that of the United States, by the hon. John Williams, a Justice of the Inferior Court of Baldwin county, and took their seats, to-wit:

From the county of Carroll, the hon. Arthur Alexander.  
From the county of Elbert, the hon. Beverly Allen.  
From the county of Franklin, the hon. Thomas F. Anderson.  
From the county of Bibb, the hon. Ambrose Baber.  
From the county of Wilkinson, the hon. Samuel Beall.  
From the county of Crawford, the hon. John Blackstone.  
From the county of Habersham, the hon. James Blair.  
From the county of Lowndes, the hon. William Blair.  
From the county of Camden, the hon. Hugh Brown.  
From the county of Monroe, the hon. George A. Brown.  
From the county of Effingham, the hon. Charles A. Burton.  
From the county of Houston, the hon. Walter S. Campbell.  
From the county of Butts, the hon. John R. Cargill.  
From the county of Clark, the hon. Augustin S. Clayton.  
From the county of Pulaski, the hon. Nelson Clayton.  
From the county of Fayette, the hon. Sheddle Cochran.  
From the county of Telfair, the hon. John Coffee.

From the county of Lee, the hon. Overton Cosby.  
 From the county of Hancock, the hon. Joel Crawford.  
 From the county of Chatham, the hon. William Davies.  
 From the county of Bulloch, the hon. Malachi Denmark.  
 From the county of Hall, the hon. Joseph Dunagen.  
 From the county of DeKalb, the hon. William Ezzard.  
 From the county of Ware, the hon. James Fulwood.  
 From the county of Irwin, the hon. John S. Gilder.  
 From the county of Madison, the hon. Samuel Groves.  
 From the county of Wayne, the hon. Moses S. Harris.  
 From the county of Decatur, the hon. William Hawthorn.  
 From the county of Jones, the hon. Gustavus Hendrick.  
 From the county of Coweta, the hon. James Hicks.  
 From the county of Upson, the hon. Edward Holloway.  
 From the county of Putnam, the hon. Thomas Hoxey.  
 From the county of Taliaferro, the hon. Absalom Janes.  
 From the county of Oglethorpe, the hon. Reuben Jordan.  
 From the county of Burke, the hon. A. J. Lawson.  
 From the county of Morgan, the hon. Roderic Leonard.  
 From the county of Newton, the hon. Hezekiah Luckie.  
 From the county of Jackson, the hon. Wm. D. Martin.  
 From the county of Bryan, the hon. John J. Maxwell.  
 From the county of Muscogee, the hon. Daniel McDougald.  
 From the county of Richmond, the hon. Holland McTyre.  
 From the county of Rabun, the hon. Andrew Miller.  
 From the county of Warren, the hon. Arthur Moncrief.  
 From the county of Walton, the hon. Robert Moore.  
 From the county of Laurens, the hon. Neil Munroe.  
 From the county of Jasper, the hon. Matthew Phillips.  
 From the county of Baker, the hon. John S. Porter.  
 From the county of McIntosh, the hon. Allen B. Powell.  
 From the county of Thomas, the hon. Duncan Ray.  
 From the county of Lincoln, the hon. Rem Remson.  
 From the county of Montgomery, the hon. Joseph Ryalla.  
 From the county of Dooly, the hon. Joel L. Scarborough.  
 From the county of Glynn, the hon. Francis M. Scarlett.  
 From the county of Henry, the hon. James Sellers.  
 From the county of Troup, the hon. Whitfield H. Sledge.  
 From the county of Scriven, the hon. Wm. Smith.  
 From the county of Early, the hon. Richard C. Spann.  
 From the county of Greene, the hon. Thomas Stocks.  
 From the county of Emanuel, the hon. Stephen Swain.  
 From the county of Washington, the hon. Wm. A. Tennille.  
 From the county of Appling, the hon. Turby F. Thomas.  
 From the county of Tattnall, the hon. Joseph Tillman.  
 From the county of Liberty, the hon. George W. Walthour.  
 From the county of Pike, the hon. Alva Wilson.  
 From the county of Twiggs, the hon. Ezekiel Wimberly.  
 From the county of Wilkes, the hon. Thomas Wooten.  
 From the county of Gwinnett, the hon. Thomas Worthy.

The hon. Peter Crawford, and the hon. John Williams, Senators elect, from the counties of Columbia and Baldwin, having produced their credentials, were sworn to support the Constitution of this State, and that of the United States, by Francis Jeter, Esq. one of the Justices of the Inferior Court of Baldwin county.

On motion,

The Senate proceeded, by ballot, to the election of their President, and on counting out the votes, it appeared that the hon. Thomas Stocks, of the county of Greene, was duly elected.

They then proceeded, in like manner, to the choice of their Secretary, and on counting out the votes, it appeared that William Y. Hansell, Esq. was duly elected.

They proceeded in like manner to the election of their Messenger, and on counting out the votes, it appeared that Mr. Henry Darnell was duly elected.

They then proceeded in like manner to the election of their Door-Keeper, and on counting out the votes, it appeared that Mr. Guy W. Smith was duly elected.

On motion of Mr. Sellers, it was

*Resolved*, That the Secretary of Senate inform the House of Representatives, that the Senate had organized, and were ready to proceed to business, having made choice of the hon. Thomas Stocks, of the county of Greene, as their President, and William Y. Hansell, Esq. as their Secretary.

The Senate then adjourned until to-morrow morning 10 o'clock.

*TUESDAY, November 6th, 1827.*

Mr. Clayton, of Clark, laid on the table the following resolution.

*Resolved*, That ——— be a committee on the part of the Senate, to join such committee as may be appointed on the part of the House of Representatives, to wait upon his excellency the governor, and inform him that the general assembly are now organized, and ready to receive any communication he may be pleased to make.

On motion of Mr. Hendrick,

*Resolved*, That the Rules of the Senate of the last session be adopted for the government of the present session, until altered or amended.

Mr. Powell presented the petition of Thomas Spalding, Esq. praying a grant to himself and associates, of the exclusive right of a Rail-Road or Canal, from the Ocmulgee to the Flint river, for the term of ninety-nine years, which was read, and referred to a committee consisting of Messrs. Powell, Coffee, Walthour, Tillman, and Clayton of Pulaski.

Mr. Swain laid on the table the following resolution.

*Resolved*, That the President proceed to the appointment of the following Joint Standing Committees on the part of the Senate, to-wit ;

On the state of the Republic—on Finance—on Internal Improvement—on Public Education and Free Schools—on Banks—on Printing—on the Judiciary—on Enrollment—on the Penitentiary—a Military committee—a committee on Privileges and Elections—and a committee to examine the engrossed journals of Senate, to see that the same are correctly brought up.

A message was received from the House of Representatives, by Mr. Dawson, informing the Senate that the House of Representatives had organized, having made choice of the hon. Irby Hudson, of the county of Putnam, their Speaker, and William C. Dawson their Clerk.

Mr. Hicks notified the Senate, that after to-day he would move for the appointment of a committee, to join such committee as may be appointed by the House of Representatives, to prepare and report a bill, to lay off and divide the counties of the newly acquired territory into counties of a proper size and form.

Mr. Moncrief notified the Senate, that after to-day he will move for the appointment of a committee, to prepare and report a bill to establish an additional electoral district in the county of Warren.

Mr. McDougald notified the Senate, that after to-day he will move for the appointment of a committee, to prepare and report a bill, to lay out a Town on the Reserve on the Chatahoochee river, at the Coweta Falls, and to dispose of a part of the lots in said town.

A message was received from the House of Representatives, by Mr. Dawson their Clerk, informing the Senate that the House of Representatives had appointed a committee, consisting of Messrs. Byne, Bates, Meroney, Day and Shorter, to join such committee as may be appointed on the part of Senate, to wait upon his excellency the governor, and inform him that the general assembly are now organized, and ready to receive any communication he may be pleased to lay before them.

The Clerk having withdrawn,

The Senate took up the message and concurred therein, and added on their part a committee, consisting of Messrs. Clayton of Clark, Crawford of Hancock, and Hoxey.

Mr. Clayton of Clark, from the joint committee appointed to wait on his excellency the governor, and inform him that the general assembly are now organized, Reported—

That they had performed the duty assigned them, and received for answer from his excellency, that he would lay before both branches of the Legislature his communication, at eleven o'clock this day.

Mr. Maxwell notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to emancipate a male and female slave.

Mr. Allen notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to establish an additional election district in the county of Elbert.

Mr. Miller notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to

niter and amend the Road Laws, so far as regards the county of Rabun.

Mr. Gilder presented the petition of Henry Hayman, a revolutionary soldier, praying the legislature to take into consideration his services, and afford him relief, which was read and referred to a committee, consisting of Messrs. Gilder, Wilson, and Blair of Habersham.

Mr. Sellers notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to alter and amend the bill prescribing the time of holding the elections for county officers in this State, passed the 16th day of December, 1811, so far as respects the county of Henry.

Mr. Brown of Monroe presented the petition of a number of the citizens of Monroe county, praying the incorporation of an Academy, under the name of the Cicero Academy, which was read and referred to a committee, consisting of Messrs. Brown of Monroe, Baber and Ezzard.

Mr. Lawson notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to alter and change the names of certain persons.

Mr. Sellers presented the petition of James Sherrar, a revolutionary soldier, praying relief, which was read and referred to a committee, consisting of Messrs. Sellers, Blair of Habersham, Beall, Clayton of Clark, and Cargill.

The following communication, with accompanying documents, was received from his excellency the governor, by Mr. Clayton his Secretary :

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, Nov. 6, 1827. }

*Fellow-Citizens,*

In making known to you the events of the passing year, it is equally my duty to communicate those which give pain, as those which afford pleasure, so that without concealment or suppression, all may be embodied in the history of the times—our successors will take counsel from them, and the experience of the past will be equally profitable, whether it furnish examples of good to be imitated, or of evil to be avoided.

Before the close of the last session of the Legislature, hope was indulged that the controversy between the government of this State and that of the United States, was happily terminating ; and so indeed to all appearances it was—The surveys of the recently acquired territory, so long resisted, had proceeded with little or no interruption—the last of them were about to be completed—the Indian irritation had exhausted itself in a few demonstrations of hostility ; and when calmness and tranquillity had succeeded to excitement and clamor, and nothing remained to satisfy the Indian for his imaginary wrongs, but a trifling consideration in money, the Executive Government at Washington seized the occasion as a fit one to denounce the Executive of Georgia as the violator of the faith of Treaties, and the lawless invader of Indian rights—to forbid the prosecution of



the surveys, and to threaten the employment of military force to enforce obedience to its commands—a menace which, without being unprecedented on the part of that government, was yet so ill-timed and unexpected, that but one reception and one treatment could be given to it.—The Documents herewith transmitted will disclose the manner of that reception and treatment.—The message of the President to Congress, communicating this measure, left no doubt as to its motives and its objects. The councils and people of Georgia were to be subdued at all events into a recognition of the validity of the Instrument called the New Treaty—by civil process, if civil process would answer—by military force if it would not—indeed by all means, civil or military, as enjoined by a superadded obligation (to use the language of the President,) even higher than that of human authority.—It could not be seen why, under a government of laws, the civil remedy might not suffice, being, if not so prompt, at least ample and appropriate—or why, if resorted to at all, it should not be exclusively depended on? The alternative of a resort to the military on failure of the civil remedy, or the resort to both concurrently for the redress of the same wrong, is not the theory, and has not been hitherto, the practice of this government—whenever it shall become so, there will be no longer any difference, in substance, between our own constitution of government, and that of the most arbitrary and despotic. It was impossible to doubt, therefore, from the unconstitutional character of the menace, from its unseasonableness, and from the appalling consequences which must inevitably follow its execution, that the temper which dictated it was hostile to Georgia, and bent on her humiliation or destruction. The councils of Georgia could never recede, without the most degrading humiliation, from the positions taken in support of the Treaty of the Indian Springs—it was the professed object of the menace, to produce that recession; and it was obviously better for Georgia to run the hazard of being stricken from the roll of States, than by a passive submission to surrender, with important interests and essential rights, what was infinitely more important and more essential, character.—But other rights and interests than those of Georgia were concerned. The doctrine assumed in justification of the menace involved the rights of all the States.—It asserts the broad power for the Executive of the General Government in any controversy between a State and the United States, to decide the right and wrong of that controversy promptly, absolutely and finally, without appeal, and to enforce such decision by the sword—a power most awful, tremendous and unnatural, and not given by the Constitution even to the Congress. In such a contest, Georgia could make no sacrifices too dear, because she contended in a just and righteous cause, not for herself alone, but for all the States, whose honor, dignity and independence, were alike at stake.—Happily for the country, the enforcement of this measure has not been as yet attempted—whether on reconsideration it has been yielded to more deliberate suggestions and more prudent counsels, or decided as wholly indefensible, and therefore impracticable, or reserved for some other and future oc-

casion, is not known to me, and can only be conjectured—It is reasonable, at least charitable to conclude, that what in this respect ought to be done, has been done, and that wisdom and moderation can find no amends for the calamities of a civil war, in the transfer from Georgia to the Indians of a comparatively worthless fraction of territory, which, but for the principle involved, this government would not deign to make a subject of angry contention with that of the United States.

The country of the Creeks falling within the chartered limits of Georgia being acquired, it remains for you to consider of the measures most expedient for the acquisition of that of the Cherokees within the same limits—On this subject my opinions have been freely and frankly, and repeatedly communicated—there is no reason to change them—you hold the territory by the same tenure as you hold that on which yourselves and your ancestors have long fixed your hearths and firesides—the original charter of the State—This tenure remains unchanged by the Articles of Confederation, or by the present Constitution; and without the consent of the people, is unchangeable but by act of God—The right of occupancy following the right of soil and jurisdiction, you claim the same right of occupancy now as ever, unlimited and unrestrained by the confederation or the present constitution; and therefore, are free in times future as in times past, to enter upon that occupancy, consulting your rights, your convenience, and the dictates of humanity only—your rights are undoubted—your convenience is resolved by the various circumstances in which you may at any time find your population and territory, and the wants of your people, as resulting from the relative condition of both; and the obligations of humanity, always paramount to the claims of interest, are to be sought in the consideration of what is due from a civilized to a savage community, and of the sum of human happiness, present and future, which is involved in the estimate—Whatever may be the controlling motives resulting from other considerations, those of humanity oppose no obstacle to the immediate occupation of the country. The Cherokees are only asked to surrender now, and voluntarily, the country which by the force of moral circumstances they must very soon surrender, even against their will, not without consideration or equivalent, but in exchange for another, and in all respects a better country, with a title in fee in the place of a precarious occupancy—with generous soil and salubrious climate, presenting a choice to agriculture or the chase—insulated from the whites, and protected by the power of the United States—All who oppose themselves to this movement are enemies of the Cherokees, ignorant of their true interests, or indifferent to their present and future welfare.

It is proper to inform you that the memorial of the last Legislature on this subject, addressed to the President, was forwarded in due time, with an accompanying letter, to which no satisfactory answer has been given.

Connected with other subjects of disagreement with the govern-

ment of the United States, is that of the dividing line between Florida and this State, directed to be run and marked by several resolutions of the Legislature. The concurrence of the general government being necessary to the perfection of this measure, it was repeatedly invited, and eventually obtained. A highly respectable gentleman, and late governor of Virginia, Thomas M. Randolph, having been appointed the Commissioner on the part of the United States, and Thomas Spalding the Commissioner on the part of Georgia, they proceeded in a spirit of harmony and concert to the execution of their trust, and I am happy to inform you that, without bringing their labors to a termination most desirable, they closed them with no interruption of that spirit. On the contrary, with an improvement of it corresponding to the intelligence, patriotism and liberal sentiments which distinguished them.

The Charter of Georgia, the Treaty of Peace of 1783, the Confederation of 1778, the present Constitution, the Treaty of Spain of 1795, the Constitution of Georgia, all recognize or guarantee the head or source of the St. Marys River, as the true point of the southern boundary of the State. The commissioner of the United States and the commissioner of Spain, appointed under the Treaty of '95, to run and mark the line in terms of the Articles of that Treaty, instead of discovering the head or source of the St. Marys, as they were instructed to do, and for which they searched, established a point different from, and disconnected with the head of that river: viz. a point in the Okefanoka Swamp, one mile or two miles north of the mound of Ellicott. It had been ascertained by researches, authorised to be made by commissioners appointed under the authority of this State in the year 1818, that the U. States and Spanish Commissioners, in agreeing to that point, were wide of the true point—that the head of the stream pursued by Ellicott was not to be found, as he supposed, in the Okefanoka Swamp, two miles north of the mound of Ellicott; and it has been since ascertained that the head of that branch of the river is to be found to the southward of both the swamp and mound. It was justifiable to take the mound as the true point, because so in substance, our own commissioners, believing that Ellicott, in pursuing the north, did pursue the main branch of the St. Marys, had reported; and so the Governor of this State, in the year 1819, relying on the correctness of that report, had informed the Legislature. Our commissioner was accordingly instructed to agree with the United States commissioner in running the line from the mound of Ellicott to the junction of the Flint and Chatahoochie rivers. It happened that the U. States commissioner was not authorized to concur. On the contrary, an act of Congress which, departing from the ordinary course, gave his instructions, in the same section in which it authorised his appointment virtually forbade it. Those instructions directed the commissioner to run from the point established by Ellicott, two miles north of the mound, and were of course directly opposed to the Treaty of 1795, which prescribed the head or source of the St. Marys as the true point.—The President of the United States would have been quite justifiable

disregarding the act of Congress in this respect, in directing his commissioner to run from the point designated by the Treaty, instead of the point designated by the act, the Treaty being the supreme law. The commissioner was not so directed. It was not, however, deemed expedient, on this account, to arrest the commissioner of Georgia at the outset. If the point established by Ellicott had, by the commissioners of the United States and Georgia, been found to coincide with the head or source of the St. Marys, the commissioner of Georgia would have been instructed to proceed. It was ascertained that they did not coincide, and his progress was accordingly arrested. You will observe that the first question presenting itself for settlement between the two governments is, whether the point arbitrarily agreed on by Ellicott and the Spanish commissioner as the head of the St. Marys, now ascertained not to be the head even of the stream pursued by Ellicott, shall be considered as the true head under the treaty of 1795. The other, and only remaining question will be, which is the true source or head of the St. Marys. To enable you to act understandingly on these questions, as well as to afford some satisfaction to the government of the United States, which must undoubtedly revise its proceeding, I had instructed a competent agent, the same who acted as the surveyor and artist under the commissioners, and who approved himself worthy of their highest confidence, to proceed to an examination of the several branches of the St. Marys, for the purpose of ascertaining, by actual admeasurement, the true head or source of that river. The correspondence and documents on this subject, together with his report, are submitted. It will be seen, that of the three branches forming the St. Marys, viz. the Northern, Western and Southern branch, the Southern is not only the longest by two or three miles, and having a direction corresponding most naturally with the general course and disembogement of the river, but discharges eight times more water than either of the other branches, and one third more than both of them united, including various other tributary streams ;--that of the three, the north branch, viz. that pursued by Ellicott, is the most inconsiderable, discharging, in proportion even to the western branch, as two to three, and in proportion to the southern branch as five to forty-three ; and indeed that it is even more inconsiderable than another stream (the Alligator) south of it, and running between it and the western branch. If these facts are confirmed to the satisfaction of the government of the United States, the conclusion will be irresistible, even by itself, that we must follow, not the error or mistake of Mr. Ellicott, but the language of the Treaty ; not the point arbitrarily determined as the head of the St. Marys, but the true head ; and that the true head or source of the St. Marys is to be found, not at the extremity of the northern, but at the extremity of the southern branch ; and that from this point the line must be run according to the letter of the charter of Georgia, of the Treaty of '83, of the Treaty of '95 and of the Constitution of Georgia. This detail, so inconsistent with the generalizing character of a Message, will find an apology in the extreme reluc-

tance which I feel to open a new controversy with the government of the United States—the great delicacy of the question, (being one of boundary)—the extent of territory, (more than two thousand square miles) which may be involved in it, and the obvious propriety, therefore, in stating the question for the first time, to state it fairly and fully.

It gives me great pleasure to inform you that recent acts of the general government, and of its different departments, bespeak a return to good feeling, and give an earnest of future good understanding, which it has been the sincere desire, as it is the duty of this government, to cultivate. Our militia claims, so constantly and sedulously, but unavailingly urged before that government for twenty or thirty years, have been recognized, and, under circumstances warranting the belief that some grains of prejudice had mingled with the former repeated considerations of them, and that nothing was wanting to a prompt acknowledgement of their justice at all times, but calm, dispassionate and impartial investigation—They are in a course of liquidation and settlement.

The expenses of the military expedition ordered for the defence of the southern frontier against threatened hostilities of the Indians, have been allowed as a correct charge against the general government, and paid:—and monies advanced on account of the U. States by the Executive of Georgia for running and marking the Florida line have, although that operation was arrested by the government of Georgia, been promptly returned:—acts indeed of just expectation, because manifestly right in themselves, but affording, at the same time, no little gratification, because what is manifestly right is not always done.

Among the various violations of the constitution of the U. States, the people of the Southern States have lately been made to feel and to complain of that prominent one which has taken from the States the general guardianship over the labor and industry of the people, which it was supposed exclusively belonged to them, and which, it is believed, they never have voluntarily relinquished. It is in the exercise of this guardianship that the Congress proceed, from session to session, to tax one portion of the community, not interested in a particular branch of industry, to sustain another portion interested in, and carrying on that branch. Disregarding the liberal principles which would leave industry free to seek its own employment, and returning to the benighted policy long practised by other nations, but now abandoned and abandoning by all enlightened ones, it claims an absolute dominion over it, to fetter, to restrain, to encourage, to prohibit, to cause it to take any or every direction—thus substituting, for the natural order of things, the artificial system of the darker ages—The power which, in raising revenue or regulating commerce, incidentally protects manufactures or encourages the fabrics which are indispensable to the national defence, is a very different power from that claimed by the Federal Government, to protect by any means directly or indirectly all or any of them, that which a more distinct substantive and important power could not be

given by any constitution to any government. It is in vain that we ask for the grant of this mighty power to Congress. It is in vain we plead the cruelty of taking from the small profits of agriculture to increase the large profits of manufactures. We are answered from year to year by an amended Tariff, augmenting the tribute and multiplying the exactions. Nay more--As if the Congress lacked vigor and animation for the work, a combination of States exclusively interested in perpetuating these abuses, resolve themselves into a body unknown to the constitution, and dictate to the government at Washington the kind and amount of tax which the people of other States shall pay; so that we may soon have to ask ourselves, which is the Government of the United States, the Assembly of States which passes the edict of taxation, or the authorities of more regular and constitutional appointment, which receive it as law and order its registration. I recommend to you the adoption, without delay, of a firm remonstrance to the Congress against this system of usurpation, injustice and oppression--You will address yourselves I know to a formidable government, having the power, for certain purposes, over the purse and the sword, and now claiming and exercising the power to direct the national industry and national improvement without limitation--in short the absolute masters of the fortunes of twelve millions of people. But you can yet speak in the language of truth, if not in the spirit of Freemen. Your complaints may be unheeded. If they should be, I recommend to you to address yourselves to the States having common interest with yourselves, and to suggest the expediency of concurring in a non-consumption agreement to be carried into effect by all the means which are constitutionally given to their respective Legislatures. It is painful to contemplate the consequences which must follow. That government whose parental duty it is to make us all friends and to keep us so, is straining its faculties to fasten upon the country a system which cannot fail to set one part of it in hostile array against the other. In self defence, we are first driven to a non-consumption, which, in the end, must prove a non-intercourse, and, as a necessary consequence of that, to the cultivation of more friendly relations with foreigners, who, supplying our indispensable wants, at least so long as the general government suffers them to be supplied, will take the place of our own countrymen in our feelings and affections, leaving nothing for them but bitterness and heart burnings--We are not unwilling to give to our own countrymen the same profits we give to foreigners, provided they are fairly and constitutionally earned. It is the forced consumption of an article, unconstitutionally enhanced in price, which, like the forced consumption of the tea, we resist.--All things being equal, we are not unwilling to consume the fabrics of our own country, and so far to encourage the fabricators, but we protest against the artificial encouragement given at our expense, when we are made to pay, not only the tax for that encouragement, but to lose the trade in our staple which affords the only means of paying it. It is not to be expected that foreign nations will long continue to receive our raw material if we refuse to receive their

manufactures, and we are not used to that despotism which would constrain us, whether for or against our interest, to manufacture for ourselves against our inclination.

Conscientiously believing that the Government of the U. States is not conducted according to the principles of the constitution—that powers are claimed and exercised by it in derogation of those principles, and that in practice it is virtually a consolidated Government, and therefore essentially different from that formed and designed to be formed by the convention of '87, I would recommend to you, at the same time, to address a respectful and affectionate memorial to your sister States, requesting them to unite with you in all constitutional and legitimate measures, to bring back the Government to the pure principles of Mr. Jefferson's administration, which are the true principles of the constitution. It is a subject of sincere congratulation that, notwithstanding your temptations have not been less than others, you remain uncorrupted by the assumed powers of the general government over the Internal Improvement of the country.—Other States which have surrendered this birth-right will find no compensation in the promised equivalent, as principle has never yet found its value in the weight or measure of the precious metals.

I invite your attention again to the subject of Internal Improvement, and to the dangers inseparable from a longer postponement of a Judicious System adapted to the wants and resources of the State. It is mortifying to our pride, and it will prove ruinous to our interest, that every state in the Union and every state in Europe, advancing in the course of improvement, opening communications between the most distant parts of its territory, cheapening its transportation, augmenting its trade and commerce, and cementing the union of its people, give signs of increasing illumination, whilst Georgia with some claims to intelligence and public spirit, has not yet executed a solitary work, or raised a single monument, in illustration of her devotion to the agricultural and commercial prosperity of her people. We must soon withdraw from the rivalry of trade, or share it on the most unequal terms. No fertility of soil, no geneality of climate, can compensate to Georgia a difference of freight of five to one against her, in a competition with her neighbor states. Her industry will be paralyzed, and her capital exhausted. Already the wheat grower of the western parts of New-York from which formerly a bushel of wheat was not exported, supplants the wheat grower of Georgia in his own market. And ere long the cotton market, reduced to the lowest price at which the article can be raised, Georgia, with such fearful odds against her, will be forced to abandon the cultivation.—In this, as in all the articles of bulky or weighty carriage, the cotton states will undersell her in the same proportion which their facilities of transportation bear to her difficulties, and when reduced to the ultimate point of stagnation and depression, she may awake from her repose with regrets and lamentations, but without the means or the resources to remedy the evil—You are not invited to premature or unprofitable efforts. You are asked to keep pace with your sisters,

in the improvements which correspond to the actual state of the trade, wealth, and population of the country, and if nothing more, at least to make the high roads the avenues of a cheap and expeditious transportation at all times, and the navigable streams likewise in the degree and to the extent of which they are susceptible.

The Report of the Chief Engineer, who has continued in the public service at my particular request, will shew what, with very limited means, has been done or attempted, during the past season, and what it may be useful or profitable to do hereafter. It is not to be expected that this or any other competent officer will devote himself to the service of the State, for a compensation scarcely sufficient for the maintainance of his family, when the same qualifications in other states find a double or triple allowance. It would be wiser to abolish the office.

I again solicit your consideration of the expediency of organizing a Court of Errors. If the Constitution should present the only obstacle, the Constitution should be amended. That instrument must indeed be very defective which has not only omitted to guarantee uniformity in the administration of justice, but opposes obstacles to it. It is not necessary to the organization of such a Court, that great expense should follow to the State, or great expense and great delay to the parties. It is the argument in the court above which is superfluous, and which it is the duty of the Judges to supply, which produces both expense and delay. The Judges want nothing but the record certified from the court below, and it is not foreseen that all unnecessary delay of the final decision may not be effectually prevented. Under every government justice should be administered purely, cheaply, promptly, and uniformly—It is the union of these elements which constitutes the perfection of every Judicial System—the delays and expenses which are not absolutely necessary to the attainment of its ends, are to be ranked among the greatest evils of society, and are, under a free government, altogether insufferable. You are invited to this amendment of your own system, therefore, with a confident expectation, that without extraordinary expense or extraordinary delay, you can cause justice to be administered to the people with purity and uniformity.

The Report of the Principal Keeper of the Penitentiary will make known to you the actual state of that institution. It proceeds under many disadvantages, a defective building and a defective system, to answer the objects of its establishment, and to justify the expectations of its founders. Without knowing that the temptations to the commission of crime are less, it is certain that the number of penitentiary offences, so far from increasing with the increase of population, has diminished. Other causes may have contributed to this result, but the more obvious and immediate ones must be found in the operation of the code itself—you are encouraged, therefore, to perseverance in a system, imperfect as it is, which awarding to crime its merited punishment, deters from the commission of it. Nor, in the estimate of benefits, are you to overlook that judicious management which promises to make the industry of the institution available for its support; and so far relieve the State from the ex-



perse incident to the administration of its criminal justice. The officer who is at the head of it deserves well for the fidelity and intelligence with which he superintends its interests, and it is submitted whether, in offices of this description, where the qualifications for them depend so much on a knowledge of their details, frequent changes do not operate injuriously to the public.

The report of Judge Schley will disclose the glaring defects and inconsistencies of the Code which a short experience had enabled him to detect, together with the obvious and necessary remedies which you cannot fail to apply.

The Finances of the State require your attention. It is important, in relation to them, that there should be system—that it should be simplified and intelligible, and that in the administration of it, you should neither be deceived yourselves or be the instrument of deceiving others. If it is asked on what resources the government relies for its annual support, it will be difficult to find an answer. A general tax law is annually passed, and it purports to be an act to raise a tax for the support of government; but according to your practice—for there is no system—the whole amount raised and applicable to the support of government is not sufficient for that object by one third. If it is asked upon what other resource than taxation the government relies, the only answer that can be given is, upon any monies which are, or which may be in the treasury—if the government does not rely on taxation for its support, it ought to be distinctly known upon what other resource, either permanent or temporary, it does rely. If it relies on taxation, then the income should be made equal to the expenditure, or the expenditure reduced to the level of the income. Ought the government to rely for its ordinary support on precarious and uncertain sources of revenue, or is it the policy of the government to depend on the funds in the Treasury until those funds are exhausted, using its income and making encroachments upon its capital indiscriminately for that purpose, and leaving eventually nothing for extraordinary emergencies, for public education, for internal improvement and other subjects of national concern. It is a rule of political economy, and a good one, not to take more money from the people than is required for the ordinary and current wants of government.—Whilst in practice you do not take more, you return one half of what you do take, and depend on other resources to supply the deficiency. It will be wise to consider of this matter in time, and to adopt a rational and coherent system which will take the place of irregularity and disorder.

The funds of the State, including bank stock, evidences of debt and monies, in the Treasury at the end of the political year amount to near two million of dollars.—The average annual ordinary expenses of government for the political years 1824—5, and 26, amount to 108,000 dollars, and the average annual revenue from taxation for the same years, to 70,000 dollars.

Our Literary institutions continue to multiply and flourish. The University more than ever endears itself to the country, by the number of its youths, their proficiency, the noble emulation which

animates them, the moral and religious sentiment which, superceding the harsher discipline, maintains order and subordination, and the high attainments in Composition and Elocution which, at the Annual Commencement, remarkably distinguish them.

The Academies improve in the means of usefulness as they increase in number, organizing the best systems, and adopting the most approved modes of instruction—and the Free Schools give better promise of fulfilling the ends of their institution, as the funds for their support are better guarded and economized. So that education may be said to flourish, and the religion of the Saviour, not less prosperous and in close alliance with it, giving to it its fullest effect, their fruits are seen in the improvement of every condition of society, making its intercourse more orderly as well as more bland and polished.

The faults of our Militia System have been frequently presented to you. The revision and amendment which ought to have followed may be now postponed, with the hope and expectation that Congress, fulfilling its duties in this respect, will review their own system and adopt an organization calculated to give stability and efficiency to this arm of national defence. In the mean time every encouragement has been given to the formation of volunteer corps, who, animated by a love of country, and trained under a good discipline, have stood ready to answer, at a moments warning, the order required by any exigency.

The Congress of the United States having been invested with the qualified power "to promote the progress of science and useful arts by securing to authors and inventors the exclusive right to their respective writings and discoveries," the power over every other description of industry, not inconsistent with this, is of course reserved to the States, or to the people—That of agriculture, the parent of all the rest, is peculiarly entitled to the encouragement and protection which is not inconsistent with its general freedom. The introduction of a new culture may claim the countenance of government, as well from its general utility, as from the difficulties attendant on it. Among the varieties which contribute to the comfort of man, that of the vine ranks with the first class. A culture eminently promotive of the public health, and the public morals. Our respectable fellow-citizen, Thomas McCall, of Laurens, distinguished alike for his science and philanthropy, has devoted many years to this culture, and his laudable zeal and patient industry give promise of ultimate success. A temporary and limited encouragement may ensure it; and its good effects would be seen eventually in a diversified cultivation, in an independence on foreigners for an article of great value, and in the gradual substitution in practice of a less for a more intoxicating beverage. If you coincide with me in the policy of extending a fostering hand to this subject of agriculture, the kind and degree of encouragement will be regulated by a sound discretion.

The various acts and resolutions of the last Legislature depending on their efficacy upon the executive power, have either been carried into effect, or are in a course of execution.

An abstract of warrants drawn upon the treasury—a list of Executive appointments, made during the recess of the Legislature, as also the reports of the different Banks, accompany this communication. The sound and healthful state of the currency, as exhibited by these reports, is highly creditable to the Directors of those Institutions, and, as connected with the general prosperity of the country, must be very gratifying to you. That of the Bank of Darien continues to be an exception, but the report gives assurance of progressive improvement, and ultimate restoration.

Resolutions of the Legislatures of Vermont, Connecticut, Alabama and Maine, having relation to various constitutional amendments, are also submitted.

The vacancies occasioned by the death of Brigadier General Stephen H. Gilmore, of the 1st brigade of the 3d division, and by the resignation of Brig. Gen. Thomas Dawson, of the 2d brigade of the same division, remain to be filled.

Retiring from office, after four years administration of the public affairs, it would have given me pleasure to congratulate you on the safety of the Republic, the flourishing condition of the country, and above all, on the union and happiness of the people. That the Republic is yet safe, and that the country is still prosperous, we are indebted more to Divine Providence, than to our own merits. That the strifes and contentions of party have scarcely ceased to distract the public mind, to embitter social intercourse and impair the energies of society, we owe to the weakness and perverseness of human nature. The boisterous passions, the offspring of political dissensions, and in the conflicts of which reason is suspended, are not to be allayed on the instant, but by Him who can stay the tempest and bid the waves be still. No matter what the perils, no matter what the calamities which beset the country, experience has proven that in all countries these disastrous passions seek only a selfish gratification, regardless of the public interest. In our own, they have had their ferocious march, and their guilty triumphs. Formidable at the beginning, and fostered by events, they harassed the progress of this administration under its greatest trials, and embarrassed its councils at every step. It is well that little could be claimed from abilities so moderate under circumstances so adverse. We may be content and thankful, that if nothing has been won, every thing has not been lost—that the exasperations of the struggle are subsiding, and that in the prospect before us there is nothing to discourage or dismay—You have therefore, fellow-citizens, every motive as men, and every obligation as christians, to banish discord and to cultivate peace—to discard the passions which become children more than men—to separate yourselves from names, the best of which are comparatively worthless, and attach yourselves to principles, which are unchangeable, and which cannot fail you in your utmost need. In fine, to think and act as brethren of the same family, allied by a common interest and a common destiny, of which the Universal Parent will be the Guardian and Protector. It is the best, as it is the last,

advice I can give, and, returning to private life, I invoke the blessing of God upon our country and bid you farewell.

G. M. TROUP.

Which was read and ordered to lie on the table.

His excellency the governor, through his secretary Mr. Clayton, agreeably to the second section of the second article of the constitution, transmitted to the Senate, the returns of the late election for Governor, so far as they had been received at the Executive Department.

On motion of Mr. Clayton of Clark,

*Resolved*, That a committee be appointed to transmit the returns of the election for Governor, held on the first Monday in October last, to the House of Representatives, as received from the Executive department.

Whereupon Messrs. Clayton of Clark, McTyre and Groves were appointed that committee.

A message was received from the house of representatives by Mr. Dawson their clerk, informing the Senate, that the house of representatives were ready to receive them in their chamber for the purpose of opening and examining the returns of the late election for Governor, in pursuance of the constitution of this State.

The President and members of the Senate proceeded to the Representative chamber, and being seated, the President of the Senate and the Speaker of the House of Representatives opened, examined and published the returns of said election from the several counties in this State, in the presence of the General Assembly, and it appearing that John Forsyth, Esq. had a majority of the whole number of votes given in, he was accordingly declared duly elected the Governor of this State by the people thereof.

The President and members of the Senate returned to their chamber, and

Adjourned until to-morrow morning 10 o'clock.

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WEDNESDAY, Nov. 7th, 1827.

The hon. Roger L. Gamble, the senator elect from the county of Jefferson, having produced his credentials, was sworn by the President of the Senate, to support the constitution of this State and of the United States, and took his seat.

Mr. Gilder notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill, to sell lots Nos. 10 and 100 in the county of Irwin.

Mr. Muncrief notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to legalize and make valid all grants of land which may have been heretofore issued without the Governor's signature being attached thereto.

Mr. Scarlett notified the Senate that after to-day he would move

for the appointment of a committee, to prepare and report a bill to regulate the trading of merchants, shop-keepers and others, so far as regards the county of Glynn, and to punish those who may attempt to defeat the same.

Mr. Swain notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to alter and amend an act passed Dec. 20th, 1824, so far as respects the Free Schools of the county of Emanuel.

Mr. Martin notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to alter the time of holding the Inferior courts of Jackson county.

Mr. Davies presented the petition of William Herb, of Chatham county, praying the Legislature to take his case into consideration, which was read and ordered to lie on the table.

Mr. Holloway notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to repeal an act passed the 26th Dec. 1826, for the division of Upson county into electoral districts, and to establish an additional election district in the county of Rabun, so far as respects the county of Upson.

Mr. Williams presented the petition of a number of the citizens of Hancock county, praying to be annexed to the county of Baldwin, which was read and referred to a committee, consisting of Messrs. Williams, Crawford of Hancock and Tennille.

Mr. Fulwood notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to repeal an act entitled an act to repeal an act to compel the clerks of the Superior and Inferior courts to keep their offices at the courthouse, or within one mile thereof, passed the 7th day of Dec. 1807, so far as respects the county of Ware.

Mr. Walthour presented the petition of a number of the citizens of Liberty county, praying the Legislature to place a certain amount of money to the credit of John Winn, dec. late Tax Collector of Liberty county—

Which was read and referred to a committee consisting of Messrs. Walthour, Scarlett and Maxwell.

Mr. Cochran notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill, to extend the time for fortunate drawers in the land lotteries of 1818, 1819 and 1821, to take out their grants.

Mr. Lawson notified the Senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to alter and amend the 1st section of an act passed 24th Dec. 1825, regulating the general elections in this State, so far as respects the county of Burke.

Mr. Sellers, agreeably to notice, moved for the appointment of a committee, to prepare and report a bill to alter and amend an act entitled an act to alter the time of holding the elections for county officers in this State, so far as respects the county of Henry.

Ordered, that Mess. Sellers, Harris and Coffee be that committee.

Mr. Coffee laid on the table the following resolution:

*Resolved*, That it shall be the order of the day every morning, to take up the notices for the appointment of committees to report bills without their being called for by the mover.

A message was received from the house of representatives by Mr. Dawson their clerk, informing the Senate of the appointment of a committee on their part, consisting of Messrs. Haynes, Render, Echols, Daniel, Kennon, Jordan of Jasper, and Day, to wait upon the governor elect, and notify him of his election, and make arrangements for his inauguration.

The clerk having withdrawn,

The Senate took up the message and concurred therein, by joining on their part a committee, consisting of Messrs. Clayton of Clark, Crawford of Hancock, Hoxey, Phillips and Maxwell.

Mr. Swain had leave to introduce, instantler, a bill to legitimize and change the names of certain persons therein named—

Which was read the first time.

Mr. Miller presented the petition of a number of the citizens of Rabun county, relative to the injurious tendency of an act of the Legislature, consolidating the poor school and academy fund as a poor school fund, so far as relates to that county,

Which was read and referred to a committee, consisting of Messrs. Miller, Gamble and Leonard.

Agreeably to notice, Mr. Lawson moved for the appointment of a committee, to prepare and report a bill to alter and change the names of certain persons.

Ordered, that Messrs. Lawson, Jourdan and Ezzard be that committee.

Mr. McTyre presented the petition of J. W. Hunter, agent for the legal representatives of George Galphin,

Which was read and referred to a committee consisting of Messrs. McTyre, Clayton of Clark, and Davies.

Agreeably to notice, Mr. Hicks moved for the appointment of a committee, to join such as may be appointed by the house of representatives, to lay off the counties in the newly acquired territory into counties of a proper shape and size.

Ordered, that Messrs. Hicks, Alexander, Sledge, McDougald and Josby be that committee.

On motion,

Messrs. Blackstone, Campbell, Ezzard and Porter were added to that committee.

Mr. Blair of Lowndes notified the Senate, that after to day, he should move for the appointment of a committee, to prepare and report a bill, to authorise Amos Emanuel to establish a ferry on his own land across Little river, where Coffee's road crosses the same in Lowndes county.

Mr. Allen notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to separate and divorce John Wanslow and Sarah his wife.

Mr. Allen also notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to amend an act entitled an act to incorporate Philomathia Academy, in the county of Elbert, and to appoint other commissioners therein named.

Mr. Hendrick presented the petition of a number of the citizens of Muscogee county, praying the division of their county, which was read and referred to the committee appointed to prepare and report a bill to lay off the counties of the newly acquired territory into counties of a proper shape and size.

Mr. Hendrick laid on the table the following preamble and resolution :

Whereas the Penitentiary system is a subject in which a considerable interest is felt by the citizens of this State ; and whereas a very considerable difference of opinion is entertained with regard to its utility, both as to its moral and pecuniary influence ; and whereas on all subjects of such importance to the public, it is desirable both to the representatives of the people and the people themselves, to ascertain as nearly as practicable the wishes of the people :

*Be it therefore resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met,* That it shall be the duty of the magistrates presiding at the next general election in the different counties in this State for members of the Legislature, to propose to each and every voter, at the time of receiving his vote, whether he is in favor of continuing the Penitentiary system in this State or not, and to request such voter to signify his opinion in the following manner, to wit—Those in favor of its continuance by indorsing on his ticket the word *Penitentiary*, and those opposed to it the words *No Penitentiary*—and on counting out the ballots, to annex to the return a true statement of the votes so given, to the end that the same may be laid before the next Legislature by his excellency the governor.

*And be it farther resolved,* That his excellency the governor is hereby required to have the foregoing preamble and resolution published in all the public gazettes of this state for six months preceding the next general election.

Mr. Williams notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to separate and divorce Thomas Wright and Louisa Wright his wife.

On motion of Mr. Cochran,

*Resolved,* That the President of Senate be authorised to assign seat within the bar of the senate to any person or persons who may desire to report the proceedings and debates of the senate.

Mr. Gilder notified the senate, that after to day he would move for the appointment of a committee to prepare and report a bill to alter and amend the road laws of this State, so far as respects the county of Irwin.

Mr. Gilder, from the committee to whom was referred the petition of Henry Hayman, a revolutionary soldier, Reported—

That they have had the same under consideration, and are of

opinion that, from the history of the services of the petitioner, as detailed in his petition, and which is verified by his affidavit, and the truth of which this committee entertains no doubt, his case is one presenting no ordinary claim upon the justice and liberality of his country—that his youth and best days have been devoted to her service, which has been crowned with success—and that now when he can no longer serve himself or his country, that country should not, in his old age and infirmity, leave him destitute of support.—The committee, for the reasons above mentioned, believe that the prayer of the petitioner is reasonable and ought to be granted.

They therefore recommend the adoption of the following resolution;

*Resolved*, that the sum of                      dollars be, and the same is hereby appropriated for the temporary relief and support of Henry Hayman, an aged and infirm revolutionary soldier, and that the same be inserted in the appropriation bill.

Which was read and ordered to lie on the table.

The following communications were brought from his excellency the governor by his secretary Mr. Clayton, viz :

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, Nov. 7, 1827. }

On a settlement of the accounts of the late Maj. Elisha Wood, who had been appointed by my predecessor to disburse the funds appropriated to the payment of claims for Indian depredations, a deficiency of eleven hundred and eighteen dollars was discovered.—The attention of the Legislature would have been immediately called to this deficiency, but the affairs of his estate remaining unsettled, and it being uncertain whether the amount might not be made good, by monies due him from the State, or from other sources, it was thought best, in tenderness to the memory of the deceased, to await the result, more particularly as a claim had been preferred before the legislature, based on the recommendation of my predecessor, for the allowance of a reasonable per centum, for his trouble in making the disbursement of those funds.

The suddenness of Major Wood's death, his established reputation for honesty through a long course of public services, has been any other than the result of accident, or at worst of indiscretion.

The amount stated will be reduced by what was due him at the time of his decease, as salary, and for services rendered in the preparation of lottery tickets. It will be for your consideration, in estimating his claim for compensation, to decide what proportion of this deficiency, if any, shall be chargeable to his estate.

Signed,

G. M. TROUP.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, Nov. 7, 1827. }

It is deemed proper to lay before the Legislature an abstract of the return of votes taken at the late general election, under the au-



thority of a resolution of the general assembly of the 18th Dec. last,  
on the subject of a convention.

Signed,

G. M. TROUP.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, Nov. 7, 1827. }

In the case of Budwell Watts, convicted at the last term of the Superior court of Butts county, of the murder of Denton Daniel, it was deemed proper to respite the execution of the sentence to the 19th of the present month, to give the Legislature an opportunity to pass finally upon his fate.

The reason of this decision was derived exclusively from an examination of the evidence, from which it would seem, that although it is almost certain Daniel was killed by Watts, it could not be discovered under what circumstances the homicide was perpetrated; and the fact of their having lived in friendly intercourse to the last hour, excluded the inference from any part of the testimony of the existence of malice, either expressed or implied.

Signed,

G. M. TROUP.

Which were read and laid on the table.

Mr. Clayton of Clark, from the joint committee appointed to wait on his excellency John Forsyth, and inform him of his election as Governor, for the term prescribed by the constitution of this State, Reported—

That they had performed the duty assigned them, and received for answer that he accepts the appointment, and that he will attend in the Representative chamber this day at half past 12 o'clock, for the purpose of taking the oath of office agreeable to the provisions of the constitution.

After a short suspension of business,

A message was received from the house of representatives by Mr. Dawson their clerk, informing the senate that the house of representatives were ready to receive them in their chamber for the purpose of proceeding to the inauguration of the Governor elect.

Whereupon,

The president and members of the senate proceeded to the representative branch, and being seated, the committee of arrangement conducted his excellency John Forsyth to a seat prepared between the president of the senate and the speaker of the house of representatives, attended by Judicial officers, members of Congress, state house officers, and other distinguished citizens,

When his excellency addressed the general assembly, and took the oath prescribed by the constitution of this State.

His excellency, being attended by the joint committee and others, having retired,

The president and members of senate returned to their chamber. And the senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, 8th Nov. 1827.

Mr. Crawford of Columbia presented the petition of Hugh B. Smith, praying the legislature to secure to him by an act of their body, lot No. 125 in the 18th district of Muscogee county—which was read and referred to a committee, consisting of Messrs. Crawford of Columbia, Brown of Monroe, and Jordan.

On motion of Mr. Gamble,

*Resolved*, That both branches of the legislature will convene in the representative chamber to-morrow at 12 o'clock, for the purpose of electing a Judge of the Northern Circuit, to supply the vacancy occasioned by the death of Judge Dooly—and also for the purpose of electing an Attorney General for the Middle Circuit, to supply the vacancy occasioned by the removal from office of T. F. Wells, the late attorney general.

Ordered, that the Secretary of Senate carry said resolution forthwith to the house of representatives for concurrence.

Mr. Sellers, from the committee appointed, reported a bill to alter and amend an act to alter the time of holding the elections for county officers in this State, passed 16th of Dec, 1811, so far as respects the county of Henry,

Which was read the first time.

On motion of Mr. Crawford of Columbia,

*Resolved*, That the numerical books, and all other records appertaining to the late land lotteries and now deposited in the executive office, be removed and delivered to the Surveyor General, and hereafter to be considered as a part of the records of that office.

On motion of Mr. Coffee,

The senate took up the following resolution :

*Resolved*, That it shall be the order of the day every morning, to take up the notices for the appointment of committees to report bills without their being called for by the mover.

Which was read and agreed to.

Mr. Cargill notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to dispose of the McIntosh reserves in Butts county.

Mr. Dunagen notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to alter and amend the 3d, 7th and 12th sections of the 1st article, and the 1st and 3d sections of the 3d article of the constitution, so as to require the general assembly to be elected and meet biennially, & to alter the terms of service of the Judges of the Superior courts, State's Attorneys and Solicitors.

Mr. McDougald notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to alter the times of holding the Superior courts in the Chatahoochee circuit.

Mr. Cochran notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to

amend the 32d section of the Judiciary, passed 16th February, 1779, so far as respects the illegality in execution.

Mr. Martin notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to lay off the county of Jackson into school districts, and to vest the free school and academy funds in certain commissioners to be appointed for said districts, and to incorporate the same.

Mr. Blair of Habersham presented the petition of N. H. Henly, Secretary of the Unacoi Turnpike company,

Which was read and ordered to lie on the table.

On motion of Mr. Clayton of Clark,

*Resolved*, That Jacob R. Brooks, Esq. be appointed a commissioner of the Chatahoochee river, in the place of Gilbert D. Greer, resigned.

Ordered, that the secretary do carry said resolution forthwith to the house of representatives for their concurrence.

Agreeably to notice, Mr. Swain moved for the appointment of a committee to prepare and report a bill to alter and amend an act passed Dec. 20th, 1824, so far as respects the free schools of the county of Emanuel.

Ordered, that Messrs. Swain, Spann and Smith be that committee.

Agreeably to notice, Mr. Lawson moved for the appointment of a committee to prepare and report a bill to alter and amend the first section of an act passed the 24th December, 1825, regulating the general elections in this State, so far as respects the county of Burke.

Ordered, that messrs. Lawson, Leonard and Luckie be that committee.

Agreeably to notice, Mr. Muncrief moved for the appointment of a committee to prepare and report a bill to establish an additional electoral district in the county of Warren.

Ordered, that messrs. Muncrief, Phillips and Porter be that committee.

Agreeably to notice, Mr. Maxwell moved for the appointment of a committee to prepare and report a bill to emancipate a male and female slave.

Ordered, that messrs. Maxwell, Martin and Monroe be that committee.

Agreeably to notice, Mr. Allen moved for the appointment of a committee to prepare and report a bill to establish an additional election district in the county of Elbert.

Ordered, that messrs. Allen, Anderson and Baber be that committee.

Agreeably to notice, Mr. Sellers moved for the appointment of a committee, to prepare and report a bill to alter and amend an act entitled an act to alter the time of holding the elections for county officers in this State, passed the 16th of Dec. 1811, so far as respects the county of Henry.

Ordered, that messrs. Sellers, Harris and Coffee be that committee.

Agreeably to notice, mr. Miller moved for the appointment of a committee to prepare and report a bill to alter and amend the Road Laws, so far as regards the county of Rabun.

Ordered, that messrs. Miller, Muncrief and Moore be that committee.

Agreeably to notice, mr. McDougald moved for the appointment of a committee to prepare and report a bill to lay out a town on the reserve on the Chatahoochee river, at the Coweta falls, and to dispose of a part of the lots in said town.

Ordered, that messrs. McDougald, Sledge, Hicks, Crawford of Hancock, and McTyre be that committee.

Agreeably to notice, mr. Cochran moved for the appointment of a committee, to prepare and report a bill, to extend the time for fortunate drawers in the land lotteries of 1818, 1819 and 1821, to take out their grants.

Ordered, that messrs. Cochran, Coffee, and Blair of Lowndes, be that committee.

Agreeably to notice, mr. Fullwood moved for the appointment of a committee to prepare and report a bill to repeal an act entitled an act to repeal an act to compel the clerks of the Superior and Inferior courts to keep their offices at the court-house, or within one mile thereof, passed the 7th day of Dec. 1807, so far as respects the county of Ware.

Ordered, that messrs. Fullwood, Powell and Blackstone be that committee.

Agreeably to notice, Mr. Holloway moved for the appointment of a committee to prepare and report a bill to repeal an act passed the 26th Dec. 1826, for the division of Upson county into electoral districts, and to establish an additional election district in the county of Rabun, so far as respects the county of Upson.

Ordered, that messrs. Holloway, Hoxey and Gamble be that committee.

Agreeably to notice, mr. Scarlett moved for the appointment of a committee to prepare and report a bill to regulate the trading of merchants, shop-keepers and others, so far as regards the county of Glynn, and to punish those who may attempt to defeat the same.

Ordered, that messrs. Scarlett, Scarborough and Ryalls be that committee.

Agreeably to notice, Mr. Gilder moved for the appointment of a committee to prepare and report a bill to alter and amend the road laws of this State, so far as respects the county of Irwin.

Ordered, that messrs. Gilder, Denmark and Harris be that committee.

Agreeably to notice, mr. Allen moved for the appointment of a committee to prepare and report a bill to separate and divorce John Wanslow and Sarah his wife.

Ordered, that messrs. Allen, Campbell and Cargille be that committee.

Agreeably to notice, mr. Blair of Lowndes moved for the appointment of a committee to prepare and report a bill to authorise Amos Emanuel to establish a ferry on his own land across Little river, where Coffee's road crosses the same in Lowndes county.

Ordered, that messrs. Blair of Lowndes, Cosby and Fullwood be that committee.

Agreeably to notice, mr. Williams moved for the appointment of a committee to prepare and report a bill to separate and divorce Thomas Wright and Louisa Wright his wife.

Ordered, that messrs Williams, Brown of Monroe and Wimberly be that committee.

Agreeably to notice, mr. Muncrief moved for the appointment of a committee to prepare and report a bill to legalize and make valid all grants of land which may have been heretofore issued without the Governor's signature being attached thereto.

Ordered, that messrs. Muncrief, Walthour and Phillips be that committee.

Agreeably to notice, Mr. Lawson moved for the appointment of a committee, to prepare and report a bill to alter and change the names of certain persons.

Ordered, that Messrs. Lawson, Jourdan and Ezzard be that committee.

Agreeably to notice, mr. Martin moved for the appointment of a committee, to prepare and report a bill to alter the time of holding the Inferior courts in the county of Jackson.

Ordered, that messrs. Martin, Beall and Burton be that committee.

Agreeably to notice, mr. Gilder moved for the appointment of a committee to prepare and report a bill to sell lots Nos. 10 and 100 in the county of Irwin.

Ordered, that messrs. Gilder, Hawthorn and Hendrick be that committee.

Agreeably to notice, mr. Allen moved for the appointment of a committee to prepare and report a bill to amend an act entitled an act to incorporate Philomathia Academy, in the county of Elbert, and to appoint other commissioners therein named.

Ordered, that messrs. Allen, Groves and Janes be that committee.

Mr. Blackstone notified the senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to amend an act entitled an act to incorporate the Knoxville Academy in Crawford county, Georgia, assented to Dec. 24, 1825.

Mr. Miller notified the Senate that after to-day he would move for the appointment of a committee, to prepare and report a bill to separate and divorce William M. Grantham and Rachel his wife.

Mr. Sellers presented a memorial of John Smith of Henry county, which was read and referred to a committee consisting of messrs. Sellers, Crawford of Hancock, and Blair of Habersham.

Mr. Powell, from the committee to whom was referred the memorial of Thomas Spaulding, reported a bill to grant to Thomas Spaulding and his associates, the right of constructing a Rail Road of wood,

or of digging a canal from the Ocmulgee to the Flint river, with certain privileges,

Which was read the first time.

Mr. Ezzard notified the Senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to change the names of certain persons.

A message was received from his excellency John Forsyth, by Mr. Pierce his secretary :

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, Nov. 8, 1827. }

Brigadier General Allen Lawhon of the third brigade of the fifth division of militia, intending shortly to remove beyond the limits of that brigade, has this day resigned his command. The legislature may think proper to fill the vacancy this session.

Signed, JOHN FORSYTH.

Which was read and ordered to lie on the table.

Mr. Swain called up his resolution of the 6th of Nov. 1827, relative to the appointment of the joint standing committees on the part of senate,

Which was read and agreed to.

Whereupon, the President proceeded to the appointment of the following joint standing committees :

*Committee on the State of the Republic.*

Messrs. Davies, Clayton of Clark, Brown of Monroe, Gamble, Hoxey, Maxwell, Blair of Habersham, Blackstone, Remson and Cochran.

*On Finance.*

Messrs. Coffee, Crawford of Columbia, Wooten, Beall, Lawson, Pickie, Groves, Tennille, Jourdan and Munroe.

*On Banks.*

Messrs. Powell, Davies, Hoxey, Williams, Baber, McTyre and Wooten.

*On the Judiciary.*

Messrs. Clayton of Clark, Davies, Gamble, Crawford of Hancock, Phillips, Ezzard, Walthour, Wilson, Munroe, Sellers and Morthy.

*On Agriculture and Internal Improvement.*

Messrs. Allen, Crawford of Hancock, McDougald, Hendrick, Coffee, Baber, Ezzard, Tennille, Porter and Moore.

*On Public Education and Free Schools.*

Messrs. Brown of Monroe, Janes, Munciet, Spann, Brown of Camden, Sledge, Leonard, Tillman, Blair of Lowndes, and Campbell.

*On the Penitentiary.*

Messrs. Spann, Anderson, Burton, Scarlett, Thomas, Swain, Denmark, Scarborough, Cargille and Ray.

*Military Committee.*

Messrs. Wimberly, Miller, Anderson, Jones, Thomas, Holloway, Porter, Dunagen, Moore and Cosby.

*On Enrollment.*

Messrs. Scarlett, Brown of Camden, McDougald, Blair of Lowndes, Harris and Ryalls.

*On Printing.*

Messrs. Beall, Walthour, Luckie, Phillips, Groves, Burton and Smith.

*On Petitions.*

Messrs. Swain, Hicks, Hawthorn, Cosby, and Clayton of Pulaski.

*On the Engrossed Journals.*

Messrs. Martin, Williams, Ray, Alexander and Fullwood.

*On Privileges and Elections.*

Messrs. Maxwell, Cochran, Lawson, Wilson and Tillman.

Mr. Blackstone presented the petition of David Terrell jun. which was read and referred to the committee on petitions, with leave to report by bill or otherwise.

On motion of Mr. Clayton of Clark, it was

*Resolved*, That so much of the governor's communication and accompanying documents as relates to the prohibition by the general government of the surveys of the territory acquired by the Treaty of the Indian Springs, and the threatening of military force to coerce obedience to the same, be referred to the committee on the State of the Republic.

That so much of said communication as refers to the acquisition of the territory at present occupied by the Cherokee Indians, the absolute and jurisdictional right of Georgia to the same, and the manner in which former applications to the general government have been treated, be referred to the same committee.

That so much of said communication as refers to the boundary line between this State and Florida, and the late but unsuccessful attempt to ascertain and run the same, be referred to the same committee.

That so much of said communication as relates to the assumption of unconstitutional powers on the part of the general government in passing laws exclusively for the encouragement of domestic manufactures and for regulating the internal improvement of the State be referred to the same committee.

That so much of said communication as relates to the Internal Improvement of the State by its own power and resources, and the office and salary of the Chief Engineer, be referred to the committee on Internal Improvement.

That so much of said communication as relates to the organization of a court of Errors, and the annual report of Judge Schley be referred to the Judiciary committee.

That so much of said communication as relates to the Penitentiary and the report of the keeper thereof, be referred to the Penitentiary committee.

That so much of said communication as relates to the Finance of the State, be referred to the committee on Finance.

The abstract of warrants drawn on the treasury, to the committee on Finance.

The reports of the Banks, to the committee on Banks—and

The resolutions of the legislatures of Vermont, Connecticut, Alabama and Maine, having relation to various constitutional amendments, be referred to the committee on the Judiciary.

The senate took up the petition of Wm. Herb of Chatham county, and,

On motion, it was referred to a committee, consisting of messrs. Davies, Tennille, and Crawford of Columbia.

Mr. Davies notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to repeal an act entitled an act for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned, so far as regards the banishment of Lewis Johnston jr.

Mr. Campbell notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to sell the reserve lands in the counties of Houston and Dooly, known by the names of James Buck's and Mischee Barnard's Reserves.

Mr. Lawson, from the committee appointed, reported a bill to change the names of certain persons therein mentioned,

Which was read the first time.

On motion of mr. Cargille,

*Resolved*, That Parham Lindsey be, and he is hereby appointed a commissioner for the improvement of the Ocmulgee river, for the county of Butts, to fill the vacancy of Hugh W. Ector, removed.

*And be it further resolved*, That Woody Dozier be, and he is hereby appointed a commissioner for Jasper county, to fill the vacancy of Wm. Scott, dec'd.

Mr. Swain notified the senate, that after to day he would move for the appointment of a committee to prepare and report a bill to alter and amend the Judiciary laws of this State, so far as relates to the jurisdiction of Justices of the peace.

Mr. Maxwell notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to compel persons owning settled plantations and negroes in the county of Bryan, to return and pay taxes for such property in said county.

Mr. Werthy notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill for the temporary relief of the purchasers of fractions, lots and islands at the late sales of this State.

Mr. Davies presented the petition of mrs. Eliza Mackay, widow of the late Robert Mackay, of the city of Savannah,

Which was read and referred to the committee on Finance, with leave to report by bill or otherwise.

The Senate then adjourned until to-morrow morning 10 o'clock.



FRIDAY, 9th Nov. 1827.

On motion of Mr. Cargile,

The senate reconsidered so much of their journal of yesterday as relates to a resolution appointing Parham Lindsey a commissioner for the improvement of the Ocmulgee river for the county of Butts, in the stead of Hugh W. Ector removed—and appointing of Woods Dezier a commissioner of the same for Jasper county, to fill the vacancy of Wm. Scott dec'd.

On motion,

The honorable senator from the county of McIntosh was excused from service on the committee on Banks.

On motion,

The honorable senator from the county of Columbia was appointed to supply the place of the senator from McIntosh county on the Bank committee.

Agreeably to notice, Mr. Campbell moved for the appointment of a committee to prepare and report a bill to sell the reserved lands in the counties of Houston and Dooly, known by the name of James Beck's and Michee Barnard's reserves.

Ordered, that Messrs. Campbell, Scarborough and Gamble be that committee.

Agreeably to notice, Mr. Maxwell moved for the appointment of a committee to prepare and report a bill to compel persons owning settled plantations and negroes in the county of Bryan, to return and pay taxes for such property in said county.

Ordered, that Messrs. Maxwell, Walthour and Wooten be that committee.

Agreeably to notice, Mr. Worthy moved for the appointment of a committee to prepare and report a bill for the temporary relief of the purchasers of fractions, lots and islands, at the late sales of this State.

Ordered, that Messrs. Worthy, Wilson and Luckie be that committee.

Agreeably to notice, Mr. Swain moved for the appointment of a committee to prepare and report a bill to alter and amend the Judiciary laws of this State, so far as relates to the jurisdiction of Justices of the Peace.

Ordered, that Messrs. Swain, Tillman and Gamble be that committee.

Agreeably to notice, Mr. Davies moved for the appointment of a committee to prepare and report a bill to repeal an act entitled an act for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned, so far as it regards the banishment of Lewis Johnston, jun.

Ordered, that Messrs. Davies, Crawford of Columbia, and Thomas be that committee.

Agreeably to notice, Mr. Miller moved for the appointment of a

committee to prepare and report a bill to separate and divorce Wm. M. Grantham and Rachel his wife.

Ordered, that messrs. Miller, Dunagen and Ray be that committee.

Agreeably to notice, mr. Blackstone moved for the appointment of a committee to prepare and report a bill to amend an act entitled an act to incorporate the Knoxville Academy in Crawford county, Georgia, assented to Dec. 24th, 1825.

Ordered, that messrs. Blackstone, Remson, and Clayton of Pulasz be that committee.

Agreeably to notice, mr. Ezzard moved for the appointment of a committee to prepare and report a bill to change the names of certain persons.

Ordered, that messrs. Ezzard, Brown of Monroe, and Tillman be that committee.

Agreeably to notice, mr. McDougald moved for the appointment of a committee to prepare and report a bill to alter the times of holding the Superior courts in the Chatahoochee circuit.

Ordered, that messrs. McDougald, Sledge and Ezzard be that committee.

Agreeably to notice, mr. Cargille moved for the appointment of a committee to prepare and report a bill to dispose of the McIntosh reserves in Butts county.

Ordered, that messrs. Cargille, Coffee and Cochran be that committee.

Agreeably to notice, mr. Cochran moved for the appointment of a committee to prepare and report a bill to amend the 32d section of the Judiciary, passed the 16th February, 1799, so far as respects illegality in execution.

Ordered, that messrs. Cochran, Wilson and Crawford of Hancock be that committee.

Agreeably to notice, mr. Martin moved for the appointment of a committee to prepare and report a bill to lay off the county of Jackson into school districts, and to vest the free school and academy funds in certain commissioners to be appointed for said districts, and to incorporate the same.

Ordered, that messrs. Martin, Moore and Munroe be that committee.

Mr. Dunagen called up his notice of yesterday, and offered in lieu thereof the following resolution, which was read and adopted.

*Resolved*, That the joint Judiciary committee be instructed to enquire into the propriety of so amending the constitution of this State, as to make all elections for members of the State Legislature biennial, and the meeting of the general assembly the same, having also in view the elections of Judges of the Superior courts, State's Attorney and Solicitors, with a view to make the same correspond thereto. And that said committee report by bill or otherwise.

Mr. Clayton of Clark, had leave to report, instantler, a bill to separate and divorce Jane Settle and William Settle her husband.

Which was read the first time.

Mr. Sledge notified the senate, that after to day he would move

for the appointment of a committee to prepare and report a bill to reduce the period within which it is now lawful to institute actions against fraudulent drawers in the last land lottery.

Mr. Crawford of Columbia, from the committee appointed, reported a bill for the relief of Hugh B. Smith of Columbia county, Which was read the first time.

Mr. Cargille notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to compel Justices of the Peace in this State to give bond and security.

Mr. Smith notified the senate, that after to day he would move for the appointment of a committee, to prepare and report a bill to separate and divorce Eliza Stone and Joshua Stone her husband.

Mr. Allen, from the committee appointed, reported a bill to separate and divorce John Wanslow and Sarah his wife.

Which was read the first time.

Mr. Swain, from the committee appointed, reported a bill to amend an act entitled an act to authorize the trustees and commissioners of Emanuel county to establish free schools in said county,

Which was read the first time.

Mr. Sellers, from the committee to whom was referred the petition of James Sherrar, Reported—

That they have had the same under consideration, and find that it solicits of the general assembly a donation, which application involves in it an appropriation of money, which by the constitution must originate in the representative branch of the legislature, and for the purpose of his preferring his petition to that branch, your committee recommend that the petitioner have leave to withdraw his petition,

Which was read and agreed to.

On motion of Mr. Sellers,

The hon. senator from the county of Hall was added to the Judiciary committee.

The following message was received from the house of representatives, by mr. Dawson their clerk :

*Mr. President :*

The house of representatives have agreed to a resolution, authorising the printing of two hundred and ten copies of the reports made by the several Banks, to which they desire concurrence.

They have concurred in the resolution of Senate, appointing Jacob R. Brooks, Esq. commissioner of the navigation of the river Chatahoochee, in the place of Gilbert D. Greer, resigned.

They have concurred in the resolution of Senate, appointing a joint committee to lay out the counties already formed out of the late acquired territory, into counties of proper shape and size, and have appointed a committee on their part consisting of messrs. Pen-tecost, Kennon, Brooks, Woolfolk, Adrian, Lawhon, Williams, Everett and Stewart.

And the house of representatives have agreed to a resolution set-

ting apart this day for the election of certain officers, at 11 o'clock, to which they desire the immediate concurrence of Senate.

The Senate took the message of the house of representatives, and concurred in the resolution relative to the printing of the reports of the different banks—and

In the resolution of the house setting apart this day at 11 o'clock for the election of certain officers.

Mr. Miller from the Committee appointed, reported the following bills :

A bill to separate and divorce Wm. M. Grantham and Rachel his wife.

A bill to alter and amend the road Laws, so far as respects the county of Rabun, and

A bill to repeal an act, to add that part of the funds heretofore set apart for the support of the county Academies to the poor school fund, so far as respects the county of Rabun, passed the 27th December, 1827, and to appoint Commissioners for the purpose of applying the Poor School and Academy funds of said county, which were severally read the first time.

Mr. Cargill notified the Senate, that after to day he would move for the appointment of a Committee to prepare and report a bill, to appoint Parham Lindsey, of the county of Butts, to fill the vacancy occasioned by the removal of Hugh W. Ector and Woody Dozier of the county of Jasper, to fill the vacancy occasioned by the death of William Scott and Noah Butt, of the county of Jones, to fill the vacancy occasioned by the removal of Mickleberry Ferrell as Commissioner for the navigation of the Ocmulgee River.

Mr. Brown of Monroe from the Committee appointed, reported a bill, to incorporate the Cicero Academy in Monroe county, which was read the first time.

Mr. Williams from the Committee appointed, reported a bill, to add a part of Hancock county to the county of Baldwin, which was read the first time.

Mr. Muncrief from the Committees appointed, reported a bill to establish an additional electoral district in the county of Warren, and

A bill to legalize and make valid, all grants of Land which may have been heretofore issued without the signature of the Governor being attached to the same, which were severally read the first time.

Mr. Tillman notified the Senate, that after to day he would move for the appointment of a Committee to prepare and report a bill, to relieve the citizens of Tatnall county, from paying ferrriage in crossing the Ohoopie River, going to and from the Court House on all public days.

Mr. Williams from the Committee appointed, reported a bill to divorce and separate Thomas Wright and Louisa Wright his wife, which was read the first time.

Mr. Remson presented the Petition of Wm. Quinn and Lewis R. Beman, securities of Wm. Hopkins, which was read and referred to a Committee consisting of messrs. Remson, Powell and Ryalls.

Mr. Blair of Lowndes, from the Committee appointed, reported a

bill to authorize Amos Emanuel, to establish a Ferry across Little River, where Coffee's road crosses the same in Lowndes county, on his own land, which was read the first time.

Mr. Davies from the Committee, to whom was referred the Petition of Wm. Herb of Chatham county—Reported, That from the evidence furnished there remains no reason to believe that there was any intention on the part of those engaged in the transaction to which the petition refers to practice a fraud upon the State. On the contrary the Committee are satisfied, that the whole originated in mistake and misapprehension, involving no criminal intention.—Your Committee believe that, inasmuch as the petitioner was in fact entitled to a draw in the Land Lottery, and that he had himself registered his name in conformity with Law, that he is well entitled to Lot No. 148, in the tenth district and third section, which was drawn by him in the course of the eleventh day's drawing in the late Land Lottery. Under this view of the case the Committee recommend the adoption of the following resolution :

*Resolved*, That Wm. Herb of Chatham county, is entitled to Lot No. 148, in the tenth district and third section of the land lately disposed of by Lottery, under the authority of this State ; and that, the proper officers of the State, are authorized to issue a Grant, therefor—Provided, that before such grant is issued, the said Wm. Herb do execute an absolute relinquishment to the State of Georgia, of all right or title to Lot No. 173, in the sixth district and fifth section of the Land lately disposed of by Lottery under the authority of this State, which was read and agreed to.

Mr. Davies presented the memorial of Peter Kemble, surviving Executor of the last will and testament of Isaac Gouverneur, late of the State of New Jersey, dec., which was read and referred to the Committee on the State of the Republic.

Mr. Worthy from the Committee appointed, reported a bill to incorporate the Washington Academy in Gwinnett county, and to appoint Trustees for the same, which was read the first time.

The following message was received from His Excellency the Governor, by Mr. Pierce, his Secretary :

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, Nov. 9, 1827.

The report of Messrs. Lamar and Hines, appointed under a resolution of the General Assembly of the 23d of December, 1825, to investigate the accounts of the late Col. Franklin, Solicitor General of the Oakmulgee circuit, and of Col. Seaborn Jones and Capt. Adam Saffold, his successors, in relation to certain bonds placed in the hands of said Franklin for collection, is submitted for the consideration of the Legislature. The labor and trouble of this work, inseparable from the nature and extent of the duties which devolved on the Commissioners, will be estimated and appreciated by an examination of the report. It is not doubted that a liberal compensation fully proportioned to the service rendered, will be awarded them by the Legislature, by whose direction it was performed. The documents which make part of this report being too voluminous to be co-

pled in time to enable you to give them that investigation which the importance of the subject seems to demand, the originals are transmitted to the House of Representatives, that being the branch of the Legislature in which the resolution requiring the performance of the service originated, requesting that they may be returned to this Department at the close of the Session.

Signed,

JOHN FORSYTH.

Which was read and with the accompanying Documents referred to the Committee on Finance.

A message was received from the House of Representatives by Mr. Dawson, their Clerk, informing the Senate, that the House were ready to receive them in their chamber, in order to proceed to the elections of certain officers according to a concurred resolution of this day. Whereupon the President and members of the Senate, repaired to the Representative chamber, and being seated, both branches of the General Assembly proceeded by joint ballot, to the election of a Brigadier General of the 1st Brigade, 3d Division, in the place of Brigadier Gen. Stephen H. Gilmore, dec., and on counting out the votes, it appeared that Dr. Thos. Hoxey was duly elected.

They then proceeded in like manner to the election of a Brigadier General of the 2d Brigade of the third Division Georgia militia, to supply the vacancy occasioned by the resignation of Brig. General Thomas Dawson—and on counting out the votes, it appeared that Col. Nicholas Howard was duly elected.

They then proceeded in like manner to the election of a Judge of the Superior Courts of the Northern circuit, to supply the vacancy occasioned by the death of Judge Dooly. and on counting out the votes, it appeared that the Hon. Wm. H. Crawford was duly elected.

They then proceeded in like manner, to the election of an Attorney General of the State of Georgia, for the middle circuit, to supply the vacancy occasioned by the removal of Thomas F. Wells, Esq. from office—and on counting out the votes, it appeared that George W. Crawford Esq. was duly elected.

The president and members of the senate having returned to their chamber.

The senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, Nov. 10th, 1827.

Agreeably to notice, Mr. Sledge moved for the appointment of a committee to prepare and report a bill to reduce the period within which it is now lawful to institute actions against fraudulent drawers in the last land lottery.

Ordered, that Messrs. Sledge, McDougald, Crawford of Hancock, Clayton of Clark and Brown of Monroe be that committee.

Agreeably to notice, Mr. Tillman moved for the appointment of a committee to prepare and report a bill to relieve the citizens of

Fattnall county from paying ferriage in crossing the Ochoopee in going to and returning from the court house on all public days.

Ordered, that messrs. Tillman, Wimberly and Worthy be that committee.

Agreeably to notice, mr. Cargill moved for the appointment of a committee, to prepare and report a bill to compel Justices of the Peace in this State to give bond and security.

Ordered, that messrs. Cargille, Powell and Porter be that committee.

Agreeably to notice, mr. Smith moved for the appointment of a committee, to prepare and report a bill to separate and divorce Eliza Stone and Joshua her husband.

Ordered, that messrs. Smith, Spann and Swain be that committee.

Agreeably to notice, mr. Cargille moved for the appointment of a committee, to prepare and report a bill to appoint Parham Lindsey, of the county of Butts, to fill the vacancy occasioned by the removal of Hugh W Ector—and Woody Dozier, of the county of Jasper, to fill the vacancy occasioned by the death of William Scott—and Noah Butt, of the county of Jones, to fill the vacancy occasioned by the removal of Mickleberry Ferrell, as commissioners of the navigation of the Ocmulgee river.

Ordered, that messrs. Cargille, Phillips, and Hendrick be that committee.

Mr. Campbell presented the petition of a number of the citizens of Houston county, praying the formation of a new county out of the counties of Dooly, Houston and Muscogee,

Which was read and referred to the joint select committee appointed for the division of the newly formed counties into counties of a proper size and shape.

The hon. senator from the county of Jefferson had leave of absence for a few days.

Mr. Hoxey notified the senate, that after to day he would move for the appointment of a committee, to prepare and report a bill imposing a tax upon dealers in money.

Mr. Davies laid on the table the following resolution ;

*Resolved*, That the senators and representatives of this State in the Congress of the United States, be requested to use their exertions to procure the passage of an act of Congress, providing for the copying of the documents and papers in the plantation office, and other public offices in England relating to the early history of Georgia.

Mr. Allen, from the committee appointed, reported a bill to establish an additional election district in the county of Elbert,

Which was read the first time.

Mr. Wilson notified the senate, that after to day he would move for the appointment of a committee, to prepare and report a bill to alter and amend the law respecting executors, so far as to compel the same to give bond and security for the faithful performance of their duties, in like manner as administrators.

The President laid before the senate the annual communication of William Triplett, Esq. Comptroller General,

Which was read, and, with its accompanying documents, referred to the committee on Finance.

Mr. Ezzard, from the committee appointed, reported a bill to alter and change the names of Samuel Standifer and William Williams,

Which was read the first time.

Mr. Martin, from the committee appointed, reported a bill to change the time of holding the Inferior courts of Jackson county,

Which was read the first time.

Mr. Cargille, from the committee appointed, reported a bill to dispose of the McIntosh Reserves in the county of Butts,

Which was read the first time.

Mr. Cochran, from the committee appointed, reported a bill to extend the time for fortunate drawers in the land lotteries of 1818, 1819 and 1821, to take out their grants,

Which was read the first time.

Mr. Holloway had leave to report, instantler, a bill to amend an act to incorporate the Franklin Academy in Upson county,

Which was read the first time.

Mr. Davies, from the committee appointed, reported a bill to repeal an act entitled an act for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty of treason, and for the purposes therein mentioned, so far as relates to the banishment of Lewis Johnston, jr.

Which was read the first time.

Mr. Cargille had leave to report, instantler, a bill to regulate the rates of toll at the ferries and bridges on Towaliga river, in Butts and Monroe counties,

Which was read the first time.

Mr. Allen notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill, to amend an act to empower the General Court of Pleas to grant writs of partition of lands and tenements, held in coparcenary, joint tenancy and tenancy in common, in this province, and appointing the method of proceeding therein, passed the 26th day of March, 1767.

On motion of Mr. Miller,

*Resolved*, That the committee on Agriculture and Internal Improvement be instructed to enquire into the actings and doings of the commissioners appointed for opening the Locust-stake Road, through the counties of Rabun and Habersham, and the disposition they have made of the money placed in their hands by the resolution of the legislature passed in December, 1825.

On motion of Mr. Brown of Camden,

The hon. senator from Appling county was added to the committee on Public Education and Free Schools.

Mr. Davies had leave to report, instantler, a bill to incorporate the First Presbyterian society in St. Marys.

Which was read the first time.

Mr. Lawson, from the committee appointed, reported a bill to alter and amend the 1st section of an act passed 24th Dec. 1826, regulating the general elections in this State, so far as respects the county of Burke, which was read the first time.



Mr. Maxwell, from the committee appointed, reported a bill to compel all persons who do, or may hereafter own settled plantations and negroes in the county of Bryan, to make their tax returns and pay their taxes annually in said county,

Which was read the first time.

Mr. Crawford of Columbia presented the petition of John McTyre,

Which was read, and with its accompanying documents, referred to the committee on Finance.

Mr. Sellers, from the committee to whom was referred the memorial of John Smith of Henry county, Reported—

That they have had the same under consideration, and are of the opinion that the prayer of the memorialist is unreasonable and ought not to be granted, and beg to be discharged from the further consideration thereof,

Which was read and agreed to.

On motion of Mr. Crawford of Hancock,

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of defining with more precision the duty of Judges, and all other civil officers, in cases arising from applications for the discharge of prisoners, with or without bail—also, into the expediency of substituting an enactment of this government for the English statute of Charles II, commonly known as the Habeas Corpus Act.

The following message was received from the house of representatives by Mr. Dawson their clerk :

*Mr. President—*

The house of representatives, through their Speaker, have appointed the following standing committees, to join such as may be appointed on the part of senate, to wit;

*On the State of the Republic.*

Messrs. Daniel, Tait, Burnside, Shorter, Birdsong, Bates, Jordan of Jones, Day, Thomas, Dougherty, Habersham, Lyman.

*On Finance.*

Messrs. Hull of Clark, Lawhon, Saffold, Kolb, Freeman of Oglethorpe, Freeman of Franklin, Heard, Mason, Render, Loyall, Dye, Brewster.

*On Banks.*

Messrs. Brailsford, Stites, Mealing, Brown, Lewis, Watson of Baldwin, Lamar, Cartledge, Copp, Williams.

*On the Judiciary.*

Messrs. Thomas, Shorter, Burnside, Haynes, Saffold, Nesbit, Iverson, Habersham, Billups, Park.

*On Agriculture and Internal Improvement.*

Messrs. Way, Thompson, Shehee, Bevan, Martin of Franklin, Davis of Morgan, Dillon, Brooks, King of McIntosh, McDonald, Kennon, Watson of Early, Burnett.

*On Public Education and Free Schools.*

Messrs. Moore, Byne, Stewart, Akins, Davis of Elbert, Janes, Glenn, Flewellen, Phillips, Perry, Eberhart, Sturges, Greene,

*Penitentiary.*

Messrs. Lawhon, Quarterman, Wilcox, Mills, McClendon, Warren, Clanton, Cochran, Chastain, Bacon, Hardman, Gray of Pike, McCrae.

*Military.*

Messrs. Watson of Baldwin, Abercrombie, Jourdan of Jasper, Echols, Wofford, Varner, Bryan, Hicks, King of Crawford, Woolfolk, Bailey, Long, Adrian.

*Printing.*

Messrs. Jourdan of Jones, Holt of Jefferson, Dennard, Townsend, Hendrick, Barnett, Burns, Wilson, Rawls, Byrd.

*Enrollment*

Messrs. Jones, Meroney, Hull of Clark, Bunn, Johnson, Cleveland, Strickland and Blassengame,

And he withdrew.

Mr. Walthour, from the committee to whom was referred the petition and accompanying documents of the administrator of John Winn, late tax collector of the county of Liberty, Reported—

That they have had the same under consideration, and that, from the petition and documents they have ascertained the following facts: That for the years 1818 and 1819, John Winn, qualified as tax collector of the county of Liberty, and while in discharge of his duties as such, and before the same was completed, he departed this life, leaving uncollected a considerable portion of the taxes of the said county—That afterwards one Benjamin Mell, jun. was elected tax collector, (perhaps for the year 1820)—but the administrator of the deceased tax collector, not being able himself to collect the taxes remaining unpaid, turned the digest of taxes over to the said Benjamin Mell, jr. when he proceeded to collect the same, and has collected the sum of one hundred and ten dollars, and afterwards became insolvent, and has never paid the same either to the State of Georgia or to the estate of the said Winn—And further, that the sum of 41 dollars and thirty-seven and a half cents was the amount of the insolvent list the years aforesaid, which has been allowed by the grand jury of the county of Liberty, but owing to the death of said Winn, the same was not presented within the time prescribed by law; and the estate of the said Winn not only stand charged with the \$110 collected by Benjamin Mell, jr. the successor of the deceased Winn, but also the insolvent list aforesaid, making \$151 37 1-2 cents, and for which sum this committee have thought proper to adopt the following resolution, viz:

*Resolved by the General Assembly,* That the sum of one hundred and fifty-one dollars and thirty-seven and a half cents, together with the accruing interest, be placed to the credit of the said John Winn in the Comptroller General's office,

Which was read and ordered to lie on the table.

The bill to incorporate the Cicero Academy was read the second time, and ordered for a third reading.

The following bills were read the second time; and ordered for a committee of the whole:

A bill to legitimize and change the names of certain persons therein named.

A bill to alter and amend an act entitled an act to alter the time of holding the elections for county officers in this State, passed the 16th of December, 1811, so far as respects the county of Henry.

A bill to grant to Thomas Spalding and his associates the right of constructing a rail road of wood, or of digging a canal from the Ocmulgee to the Flint river, with certain privileges.

A bill to change the names of Ezekiel Whitfield and Sarah Whitfield, of the county of Burke, to that of Ezekiel Williams and Sarah Williams.

A bill to separate and divorce Jane Settle and William Settle her husband.

A bill for the relief of Hugh B. Smith of Columbia county.

A bill to separate and divorce John Wanslow and Sarah his wife.

A bill to alter and amend an act entitled an act to erect free schools in Emanuel county.

A bill to separate and divorce Wm. M. Grantham and Rachel his wife.

A bill to alter and amend the road laws, so far as respects the county of Rabun.

A bill to repeal an act entitled an act to add that part of the fund heretofore set apart for the support of county academies to the poor school fund, so far as respects the county of Rabun, passed the 27th December, 1826, and to appoint commissioners for the purpose of applying the poor school and academy funds of said county.

A bill to divorce and separate Thomas Wright and Louisa Wright his wife.

A bill to establish an additional electoral district in the county of Warren.

A bill to legalize and make valid all grants of land which may have been heretofore issued without the signature of the governor being attached thereto.

A bill to authorize Amos Emanuel to establish a ferry across Little river, where Coffee's road crosses the same in Lowndes county, on his own land.

A bill to add a part of Hancock county to the county of Baldwin—and

A bill to incorporate the Washington Academy in the county of Gwinnett, and to appoint Trustees for the same.

The Senate adjourned until Monday morning 10 o'clock.

MONDAY, 12th Nov. 1827.

Agreeably to notice, Mr. Allen moved for the appointment of a committee to prepare and report a bill to amend an act to empower the general Court of Pleas to grant writs of partition of lands and

tenements held in coparcenary, joint tenancy and tenancy in common in this province, and appointing the method of proceeding therein, passed 26th day of Nov. 1767.

Ordered, that messrs. Allen, Phillips and Wilson be that committee.

Agreeably to notice, mr. Wilson moved for the appointment of a committee, to prepare and report a bill to alter and amend the law respecting executors, so far as to compel the same to give bond and security for the faithful performance of their duties in like manner as administrators.

Ordered, that messrs. Wilson, Coffee and Walthour be that committee.

Agreeably to notice, mr. Hoxey moved for the appointment of a committee to prepare and report a bill imposing a tax upon dealers in money.

Ordered, that messrs. Hoxey, Crawford of Hancock and Beall be that committee.

On motion of Mr. Clayton of Clark,

*Resolved*, That the committee on the state of the Republic be instructed to enquire into the right and propriety of appropriating money from the public treasury of the United States, by Congress, for the support of the Colonization Society, and to report to this legislature whatever may be expedient in relation to said subject.

Mr. Scarlett, from the committee appointed, reported a bill to regulate the trading of merchants, shop-keepers and others, so far as regards the county of Glynn, and to punish those who may attempt to defeat the same,

Which was read the first time.

On motion,

The hon. senator from Columbia was excused from serving on the joint committee on Finance during the present session.

On motion of mr. Gilder,

The senate took up the report of the committee on the petition of Henry Hayman,

Which was read—when

On motion of mr. Crawford of Columbia,

That the report be laid on the table the balance of the session, it was determined in the affirmative,

And the yeas and nays being required are, yeas 40, nays 23.

Those who voted in the affirmative are,

Messrs.

Alexander	Clayton of Polaski	Lawson
Allen	Crawford of Columbia	Leouard
Anderson	Crawford of Hancock	Luckie
Blair of Habersham	Davies	Martin
Brown of Monroe	Ezzard	Maxwell
Burton	Hendrick	Moore
Campbell	Holloway	Munroe
Cargille	Hoxey	McDougald
Clayton of Clark	Jordan	McTyre

Miller  
Moncrief  
Phillips  
Ray  
Scarborough

Scarlett  
Sledge  
Spann  
Tillman

Walthour  
Williams  
Wimberly  
Worthy

Those who voted in the negative are

Messrs.

Blackstone  
Blair of Lowndes  
Brown of Camden  
Cochran  
Coffee  
Cosby  
Denmark  
Dunagen

Fullwood  
Gilder  
Harris  
Hicks  
Porter  
Powell  
Remson  
Ryalls

Sellers  
Smith  
Swain  
Tennille  
Thomas  
Wilson  
Wooten

Mr. Blackstone, from the committee appointed, reported a bill to amend an act to incorporate the Knoxville Academy in the county of Crawford,

Which was read the first time.

On motion of Mr. Scarlett,

*Resolved*, That James Hamilton Couper, of Glynn county, be, and he is hereby appointed, a commissioner of the Alatamaha River, in lieu of col. John Burnett, of Glynn county, resigned.

Mr. Moore notified the senate, that he would, after to-day, move for the appointment of a committee to prepare and report a bill to alter and amend an act entitled an act to make permanent the site of the public buildings for the county of Walton, at Monroe, and to incorporate the same, passed and assented to November 30th, 1821, and the better to define the duties and powers of the commissioners thereof.

Mr. McDougald, from the committees appointed, reported.

A bill to lay out a town on the reserve at the Coweta Falls; on the Chatahoochee river, and to dispose of the same—and

A bill to alter and amend an act entitled an act to organize the territory lately acquired from the Creek Indians, lying between the Flint and Chatahoochee rivers, and west of the Chatahoochee river, passed on the 11th day of Dec. 1826, so far as to alter and affix the times of holding the Superior and Inferior courts in the counties of Carroll, Fayette, Coweta, Troup, Muscogee and Lee,

Which were severally read the first time.

Mr. Crawford of Columbia laid on the table the following resolution:

*Resolved*, That a committee be appointed, to join such committee as may be appointed on the part of the house of representatives, to examine the offices of Secretary of State, Treasurer, Surveyor General, and Comptroller General, and report whether the books of the said offices are brought up and completed, in the usual form, up to the 31st day of October last, the close of the last political year.

Mr. Davies called up the following resolution, which was read and agreed to :

*Resolved*, That the senators and representatives of this State in the Congress of the United States, be requested to use their exertions to procure the passage of an act of Congress, providing for the copying of the documents and papers in the plantation office, and other public offices in England relating to the early history of Georgia.

A message was brought from the house of representatives by Mr. Dawson their clerk, informing the senate that the house of representatives had agreed to a resolution appointing this day at the hour of one o'clock, for the election of a Brigadier General of the 3d brigade of the 5th division, to fill the vacancy occasioned by the resignation of brig. gen. Allen Lawhon.

The senate took up the message, and the resolution being read, was concurred in.

Ordered, that the secretary do return the same forthwith to the house of representatives.

Mr. Dunagen, from the committee appointed, reported a bill to establish and make permanent the ferry on the Chatahoochee river, in the county of Hall, known by the name of Obadiah Light's ferry.

Which was read the first time.

Mr. Fullwood, from the committee appointed, reported a bill to compel the clerks of the Superior and Inferior courts of the county of Ware, to keep their offices at or within one mile of the courthouse of said county,

Which was read the first time.

The following bills were taken up, read the second time, and ordered for a third reading, to wit ;

A bill to establish an additional election district in the county of Elbert.

A bill to alter and change the names of Samuel Standifer and Wm. Williams.

A bill to change the time of holding the Inferior courts of Jackson county.

A bill to amend an act to incorporate the Franklin Academy in Upson county.

A bill to incorporate the First Presbyterian society in St. Marys —and

A bill to alter and amend the 1st section of an act passed 24th Dec. 1825, regulating the general elections in this State so far as respects the county of Burke.

The following bills were taken up, read the 2d time, and ordered for committees of the whole, to-wit ;

A bill to dispose of the McIntosh Reserves in the county of Butts.

A bill to extend the time for fortunate drawers in the land lotteries of 1818, 1819 and 1821 to take out their grants.

A bill to regulate the rates of toll at the ferries and bridges on Towaliga river in Butts and Monroe counties.

A bill to repeal an act entitled an act for inflicting penalties on and confiscating the estates of such persons as are therein declared

guilty of treason, and for other purposes therein mentioned, so far as relates to the banishment of Lewis Johnston jr.—and

A bill to compel all persons who do or may hereafter own settled plantations and negroes in the county of Bryan, to make their tax returns and pay their taxes annually in said county.

The bill to incorporate Cicero Academy in the county of Monroe was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Crawford of Columbia in the chair, on the bill to legitimize and change the names of certain persons therein named.

The President having resumed the chair,

Mr. Crawford reported the bill without an amendment.

The senate took up and agreed to the report.

The bill was read the third time,

And on the question, "shall this bill now pass?" it was determined in the affirmative.

The yeas and nays being required, are—yeas 43, nays 18.

Those who voted in the affirmative, are  
Messrs.

Anderson	Dunagen	Remson
Beall	Ezzard	Ryalis
Blair of Lowndes	Harris	Scarborough
Brown of Camden	Hawthorn	Scarlett
Brown of Monroe	Hendrick	Sellers
Burton	Holloway	Sledge
Campbell	Hoxey	Smith
Cargille	Lawson	Spann
Clayton of Pulaski	McDougald	Swain
Cochran	McTyre	Tennille
Coffee	Moncrief	Walthour
Cosby	Monroe	Wilson
Crawford of Hancock	Phillips	Wooten
Davies	Porter	Worthy
Denmark	Powell	

Those who voted in the negative are,  
Messrs.

Alexander	Jordan	Moore
Allen	Leonard	Ray
Blackstone	Luckie	Thomas
Blair of Habersham	Martin	Tillman
Crawford of Columbia	Maxwell	Williams
Rulwood	Miller	Wimberly

The senate resolved itself into a committee of the whole, Mr. Powell in the chair, on the bill to alter and amend an act entitled an act to alter the time of holding the elections for county officers in this State, passed the 16th day of Dec. 1811, so far as respects the county of Henry.

The president having resumed the chair,

Mr. Powell reported the bill with an amendment.

The senate took up and agreed to the report, and

On motion,

The caption being amended, the bill was read the third time and passed, under the title of "a bill to alter and amend an act entitled an act to alter the time of holding the elections for county officers in this State, passed the 16th Dec. 1811, so far as respects the counties of Henry and DeKalb.

The senate resolved itself into a committee of the whole, Mr. Maxwell in the chair, on the bill to grant to Thomas Spalding and his associates the right of constructing a rail road of wood, or of digging a canal from the Ocmulgee to the Flint river, with certain privileges.

The President having resumed the chair,

Mr. Maxwell reported the bill without an amendment.

Ordered, that the report lie on the table.

The Senate resolved itself into a committee of the whole, Mr. Hoxey in the chair, on the bill to change the names of Ezekiel Whitfield and Sarah Whitfield of the county of Burke, to that of Ezekiel Williams and Sarah Williams. The President having resumed the chair, Mr. Hoxey reported the bill with an amendment.

The Senate took up and agreed to the report, and on motion the caption being amended, the bill was read the third time and passed, under the title of a bill to change the names of Ezekiel and Sarah Whitfield of the county of Burke, to that of Ezekiel and Sarah Williams, and the name of James Martin of the county of Hall, to that of James Dobbins.

The Senate resolved itself into a committee of the whole, Mr. Luckie in the chair, on the bill to separate and divorce Jane Settle and William Settle her husband. The President having resumed the chair, Mr. Luckie reported the bill without an amendment.

The Senate took up and agreed to the report. The bill was read the third time, and on the question 'shall this bill now pass' it was determined in the affirmative. The yeas and nays being required, are yeas 48, nays 17.

Those in the affirmative are Messrs.

Alexander	Dunagen	Remson
Allen	Ezzard	Ryalls
Beall	Gilder	Scarboro
Brown of Camden	Groves	Scarlet
Brown of Monroe	Hawthorn	Sledge
Burton	Hendrick	Smith
Campbell	Hicks	Spann
Cargille	Holloway	Swain
Clayton of Clark	Hoxey	Tennille
Clayton of Pulaski	Lawson	Thomas
Cochran	Leonard	Walthour
Coe	Moncrief	Williams
Cosby	Moore	Wilson
Crawford of Hancock	Porter	Wimberly
Davies	Powell	Wooten
Denmark	Ray	Worthy



Those in the negative, are Messrs.

Anderson	Harris	McTyre
Blackstone	Jordan	Miller
Blair of Habersham	Luckie	Munroe
Blair of Lowndes	Martin	Phillips
Crawford of Columbia	Maxwell	Sellers
Folwood	McDougald	

The Senate resolved itself into a committee of the whole, Mr. Blair of Habersham in the chair, on the bill for the relief of Hugh Smith of Columbia county. The President having resumed the chair, Mr. Blair reported progress and asked leave to sit again,

The Senate took up and agreed to the report.

The Senate resolved itself into a committee of the whole, Mr. Hendrick in the chair, on the bill to separate and divorce John Wanslow and Sarah his wife. The President having resumed the chair, Mr. Hendrick reported the bill without an amendment.

The Senate took up and agreed to the report. The bill was read the 3d time, and on the question 'shall this bill now pass,' the yeas and nays were required, and there not being a constitutional majority, the same was determined in the negative. The yeas are 34, the nays 25.

Those who voted in the affirmative are Messrs.

Alexander	Gilder	Ryalls
Allen	Groves	Scarlet
Beall	Hawthorn	Sledge
Brown of Camden	Hendrick	Smith
Brown of Monroe	Hicks	Spann
Campbell	Holloway	Swain
Cargille	Lawson	Tennille
Clayton of Clark	Leonard	Thomas
Cochran	Moore	Walthour
Cosby	Ray	Williams
Crawford of Hancock	Remson	Wimberly
Ezzard		

Those in the negative are Messrs.

Anderson	Jordan	Phillips
Blair of Habersham	Luckie	Scarboro
Blair of Lowndes	Martin	Sellers
Crawford of Columbia	Maxwell	Tillman
Davies	McTyre	Wilson
Denmark	Miller	Wooten
Dunagen	Mencrief	Worthy
Fulwood	Munroe	
Harris		

The senate resolved itself into a committee of the whole, Mr. Coffee in the chair, on the bill to alter and amend an act, to erect Free Schools in Emanuel county.

The President having resumed the chair,

Mr. Coffee reported the bill without an amendment.

The Senate took up and agreed to the report, and the bill was read the third time and passed.

The following communication was received from his Excellency the Governor, by Mr. Pierce his Secretary.

EXECUTIVE DEPARTMENT, GEORGIA. }

Milledgeville, Nov. 12, 1827. }

The 8th section of the third article of the constitution provides, "that within five years after the adoption of the Constitution, the body of our law civil and criminal, shall be revised, digested, and arranged under proper heads, and promulgated in such manner, as the Legislature may direct." To carry into effect this section of the constitution, an act was passed by the General Assembly, on the 6th day of Dec. 1799. Other acts having relation to the subject have been subsequently passed. One, the act of the 12th December, 1809, is of permanent operation, and requires the compilation and publication of a digest of the laws of every ten years at the successive termination of that period of time. Different digests now in common use throughout the State have been compiled and published under the authority of these acts. The terms used in these acts, and the contents of the several digests published, which have been approved, as if properly executed according to the intentions of the several Legislatures by whom the acts were passed, demonstrate that the part of the constitution quoted, was construed to apply to the enactments of the provincial assemblies, and to those of the General Assembly since the revolution, only. In some of the acts, special provisions appear to have been considered necessary for the insertion into the digests of a few important English statutes. The intention of the framers of the Constitution, appears to the Executive to have been of a higher character. With perfect respect for those who have acted on a different opinion, the authors of the constitution obviously contemplated the revision, digest and arrangement of the written and unwritten law of the State, and the publication of the whole in the most useful form. The terms the "body of our Law civil and criminal," are general, and comprehend within their scope the common Law equally with the statute. Indeed, should it be thought necessary to make a distinction between them, "the body of our Law civil and criminal," must be taken to be exclusively applicable to the common law, as the trunk from which the Statute law has branched forth. It is not now possible to fulfil the intentions of the Constitution within the time prescribed, but the obligation upon us is not impaired by the lapse of time, nor by the errors, the omissions, and the inadvertencies of those who have preceded us. Reflections on the vast importance of the contemplated work, and its extensive utility, if performed with enlightened labour, are deliberately excluded from a communication intended to invite the attention of the General Assembly to the single question of constitutional obligation.

Signed,

JOHN FORSYTH.

Which was read and referred to the Committee on the Judiciary. Crawford of Columbia, notified the Senate that after to day,

he would move for the appointment of a Committee to prepare and report a bill, to compensate petit Jurors, and for other purposes.

Mr. Smith notified the Senate that after to day, he would move for the appointment of a Committee to prepare and report a bill, to repeal an act, creating an election district in the county of Scriven and Emanuel.

Mr. Ray notified the Senate that after to day, he would move for the appointment of a committee to prepare and report a bill, authorizing the Receiver of Tax Returns of taxable property for Thomas county, to receive the tax returns of the citizens of said county, or any other persons whose tax are due the State, prior to the year of eighteen hundred and twenty-seven, and make it the duty of the Collectors of said county, to collect the same.

Mr. Hicks notified the Senate that after to day, he would move for the appointment of a Committee to prepare and report a bill, to make the decision of the Superior Courts of this State, final and conclusive in all cases of Divorces.

On motion of M. Clayton of Clark, leave of absence was granted to the Secretary of Senate for a few days.

Mr. Coffee presented a Communication from James Bezman, Esq. Treasurer, covering an abstract of the Receipts and disbursements at the Treasury during the political year 1837, which was read and referred to the joint committee on Finance.

Mr. Bass presented the report of the Commissioners appointed to lay out a Road from Macon to Jenkins Bridge on the Oconee, which was referred to the Committee on Agriculture and Internal Improvement.

The Senate took up the resolution laid on the table by Mr. Crawford, for the appointment of a Committee to examine the officers of Secretary of State, Treasurer, Surveyor General, and Comptroller General, which was read and agreed to.

Whereupon a committee was appointed consisting of Messrs. Crawford of Columbia, Lawson, Hoxey, Powell, Beall and Clayton of Clark.

Mr. Coffee laid on the table the following resolution :

*Resolved*, That a Committee on the part of the Senate, be appointed to join such committee as is already appointed from the H. of Representatives for the purpose of laying out a new county, one of the counties of Gwinnett, Walton, De Kalb, and Newton.

Mr. Tillman from the Committee appointed, reported a bill for the relief of the citizens of Tattnall county, which was read the first time.

Mr. Ezzard notified the Senate that after to-day, he would move for the appointment of a Committee, to prepare and report a bill to repeal so much of the militia laws now in force in this State, as requires the senior officer present at all Courts of Enquiry, to preside.

Mr. Tillman notified the Senate that after to-day, he would move for the appointment of a Committee to prepare and report a bill for an electoral district in the county of Tattnall, at or near the mill of Aaron B. Strickland.

Mr. Cochran from the committee appointed, reported a bill to al-

ter and amend the 32d section of the Judiciary system of this State, so far as respects the illegality in execution, which was read the first time.

Mr. Worthy from the committee appointed, reported a bill to give further time to purchasers of fractions, lots, or Islands, at the late sales of the fractions, to pay for their lands, which was read the first time.

Mr. Smith from the committee appointed, reported a bill to separate and divorce Eliza Stone and Joshua Stone her husband, which was read the first time.

A message was brought from the H. of Representatives by Mr. Dawson their Clerk, informing the Senate that the House of Representatives were ready to receive them in their Representative chamber, for the purpose of electing a Brigadier General of the 3d Brigade of the 5th division of Georgia Militia, agreeable to a concurred resolution. Whereupon the President and members of the Senate, repaired to the Representative Chamber, and being seated, both branches of the General Assembly proceeded by joint ballot to the election of a Brigadier General, to supply the vacancy occasioned by the resignation of Gen. Allen Lawhon, and on counting out the votes, it appeared that Benjamin H. Rotherford was duly elected. The President and members of Senate having returned to their chamber,

The Senate adjourned until to-morrow morning 10 o'clock.

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*TUESDAY, 13th Nov. 1827.*

On motion of Mr. Allen, the Senate reconsidered so much of their journal of yesterday, as relates to the rejection of the bill to separate and divorce John Wanslow and Sarah his wife.

On motion of Mr. Crawford of Columbia, Iverson L. Harris, Esq. was appointed Secretary pro tempore of the Senate during the absence of the Secretary.

Agreeably to notice M. Moore moved for the appointment of a committee to prepare and report a bill, to alter, and amend an act, entitled an act, to make permanent the site of the public buildings in the county of Walton at Monroe, and to incorporate the same, passed and assented to Nov. 30th, 1821, and the better to define the duties and powers of the commissioners thereof. Ordered that Messrs. Moore, Munroe, and Muncie be that committee.

Agreeably to notice, Mr. Ezzard moved for the appointment of a committee to prepare and report a bill, to repeal so much of the militia laws now in force in this State, as requires the senior officer present at all courts of Enquiry, to preside. Ordered that Messrs. Ezzard, Wimberly, and Maxwell be that committee.

Agreeably to notice, Mr. Tillman moved for the appointment of a committee to prepare and report a bill for an electoral district in the county of Tattnall, at or near the mill of Aaron B. Starkland. Ordered, that Messrs. Tillman, Thomas, and Williams be that committee.

Agreeably to notice, Mr. Smith moved for the appointment of a committee to prepare and report a bill to repeal an act creating district elections in the county of Scriven and Emanuel. Ordered, that Messrs. Smith, Swain, and Sellers be that committee.

Agreeably to notice, Mr. Ray moved for the appointment of a committee to prepare and report a bill, authorising the Receiver of Tax Returns of taxable property for Thomas county, to receive the Tax Returns of the citizens of said county, or any other person whose taxes are due the State prior to the year 1827. and make it the duty of the Collectors of said county to collect the same. Ordered, that messrs. Ray, Remson, and Ryalls be that committee.

Agreeably to notice, Mr. Crawford of Columbia moved for the appointment of a committee to prepare and report a bill to compensate Pettit Jurors and for other purposes. Ordered, that messrs. Crawford of Columbia, Davies, Clayton of Clark, Phillips, and Gamble be that committee.

Agreeably to notice, Mr. Hicks moved for the appointment of a committee to prepare & report a bill to make the decision of the Superior Courts of this State final and conclusive in all cases of divorces. Ordered, that messrs. Hicks, Wilson, and Holloway be that committee.

Mr. Coffee called up the resolution laid on the table yesterday, for the appointment of a committee to join the one already appointed by the House of Representatives, for the purpose of laying out a new county out of the counties of Gwinnett, Walton, DeKalb, and Newton, which being read and agreed to, a committee consisting of messrs. Worthy, Ezzard, Luckie & Moore was thereupon appointed.

Mr. Maxwell from the committee appointed, reported a bill to manumit a male slave and a female slave by the names of Davy and Hannah; which was read the first time.

Mr. Holloway from the committee appointed, reported a bill to repeal 'an act for the division of Upson county into electoral districts, and to establish an additional election district in the county of Rabun,' so far as regards Upson county, which was read the first time.

Mr. Hicks from the committee appointed, reported a bill to divide the late acquired counties of Carroll, Coweta, Troup, Muscogee and Lee, into counties of a proper shape and size, which was read the 1st time.

Mr. Cargille from the committee appointed, reported a bill to appoint commissioners for the improvement of the Ocmulgee River in the counties of Butts, Jasper, and Jones, which was read the 1st time.

Mr. Crawford of Hancock, had leave to introduce instant a bill to authorise James A. Dunlap of the town of Quincy, in the county of Gadsden, Territory of middle Florida, to plead and practice law as an Attorney, Counsellor and Solicitor, in the several courts of law and equity in this State, which was read the first time.

Mr. Sellers presented the petition of the trustees of Henry county poor school, which was read and referred to a select committee, consisting of messrs. Sellers, Cochran, and Worthy.

The following communication was received from the Governor by his Secretary Mr. Pierce, to wit:

EXECUTIVE DEPARTMENT, GEORGIA,  
*Milledgeville, Nov. 12th, 1827.*

Information given on oath has been presented at this Department by the Surveyor General, by which it appears that errors have been committed in the survey of the land lying in the 1st district of the 2d section of the Territory embraced by the treaty of the Indian Springs. The extent of these errors cannot be ascertained by the testimony exhibited. With a view to obtain more accurate information, as well as in justice to the person accused, he has been permitted to examine the papers, and to make such observations upon them, as a regard to truth and his own character required. A letter addressed by him to the Executive, admits the existence, but does not shew the extent of the errors committed. Grants for land lying in this district and section have been issued, applications are hourly made for others, and they must be issued to all who have a right under the existing laws to apply for them. Very great confusion may arise, and injustice to the State or to individuals may be the consequence of the errors committed, if proper steps are not taken to ascertain their precise character and extent, and to correct them. It being the province of the General Assembly, to punish the Surveyor, if the error has been the result of corrupt motives, and to provide by proper enactments for the prevention of all injury to the State and to individuals, which may be apprehended from that error, if the result of unavoidable circumstances or accidental omissions, the whole subject is submitted without further comment to their consideration.

Signed,

JOHN FORSYTH.

Which being read, was, together with the accompanying documents referred to a committee, consisting of messrs. McDougald, Brown of Monroe, and Coffee.

The following bills were read the second time, and ordered for a third reading, to wit:

A bill to regulate the trading of merchants, shop keepers and others, so far as regards the county of Glynn, and to punish those who may attempt to defeat the same.

A bill to amend an act to incorporate the Knoxville Academy in the county of Crawford.

A bill to establish and make permanent the ferry on the Chatahoochie River in the county of Hall, known by the name of Obadiah Lights's ferry.

A bill to compel the Clerks of the Superior and Inferior Courts of the county of Ware, to keep their offices at or within one mile of the Court house of said county. And

A bill for the relief of the citizens of the county of Tattnall.

The following bills were read the second time, and ordered for committees of the whole, to wit:

A bill to lay out a town on the reserve at the Coweta Falls on the Chatahoochie river, and to dispose of the same.

A bill to alter and amend an act, to organize the Territory lately acquired from the Creek Indians lying between the Flint and Chatahoochie Rivers, and West of the Chatahoochie river, passed on the 11th day of Dec. 1826, so far as to alter and affix the times

of holding the Superior and Inferior courts in the counties of Carroll, Fayette, Coweta, Troup, Muscogee, and Lee.

A bill to alter and amend the 32d section of the Judiciary system of this State, so far as respects the illegality in execution.

A bill to give further time to purchasers of Fractions, Lots, or Islands at the late sales of their Fractions to pay for their lands, and

A bill to separate and divorce Eliza Stone and Joshua Stone her husband.

Mr. McDougald notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to create two additional military brigades, and one division of the Georgia militia.

Mr. Sellers notified the Senate, that after to day he would move for the appointment of a Committee, to prepare and report a bill for the relief of persons in certain cases, who have purchased any part of the State's interest in lots which have been condemned as fraudulently drawn, within the counties of Bibb, Houston, Crawford, Monroe, Upson, Pike, Henry, Fayette, DeKalb and Newton.

Mr. Anderson notified the senate, that after to day he would move for the appointment of a Committee to prepare and report a bill, to alter and amend an act entitled an act to regulate the rates of tavern licence in this State, passed 15th Dec. 1809.

The following bills were read the third time and passed :

A bill to establish an additional election district in the county of Elbert.

A bill to alter and change the names of Samuel Standifer and Wm. Williams.

A bill to change the times of holding the Inferior courts of Jackson county.

A bill to amend an act to incorporate the Franklin Academy in Upson county.

A bill to incorporate the First Presbyterian society at St. Marys —and

A bill to alter and amend the 1st section of an act passed 24th Dec. 1825, regulating the general elections in this State so far as respects the county of Burke.

The senate resolved itself into a committee of the whole, Mr. Worthy in the chair, on the bill to alter and amend the road laws, so far as respects the county of Rabun.

The President having resumed the chair,

Mr. Worthy reported the bill without amendment.

The senate took up and agreed to the report.

The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Fennille in the chair, on the bill to repeal an act, entitled an act to add that part of the funds heretofore set apart for the support of county Academies to the poor school fund, so far as respects the county of Rabun, passed the 27th December, 1827, and to appoint Commissioners for the purpose of applying the Poor School and Academy funds of said county

The President having resumed the chair,  
Mr. Tennille reported the bill without amendment.

The senate took up and agreed to the report,

The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Wooten in the chair, on the bill to separate and divorce Wm M. Grantham and Rachel his wife.

The President having resumed the chair,

Mr. Wooten reported the bill without amendment.

The senate took up and agreed to the report,

The bill was read the third time—and on the question, “ Shall this bill now pass ? ” the yeas and nays being required, it was determined in the negative, there not being a constitutional majority in the affirmative.

The yeas are 33—the nays are 24.

Those in the affirmative are,

Messrs.

Alexander	Hendrick	Scarlett
Allen	Holloway	Smith
Beall	Hoxey	Spann
Brown of Camden	Lawson	Swain
Burton	Moore	Tennille
Campbell	Munroe*	Thomas
Cargille	Powell	Walthour
Clayton of Clark	Ray	Williams
Cochran	Remson	Wilson
Groves	Ryalls	Wimberly
Hawthorn	Scarborough	Wooten

Those in the negative are

Messrs.

Anderson	Davies	Martin
Blackstone	Dunagen	McDougald
Blair of Lowndes	Ezzard	McTyre
Blair of Habersham	Fullwood	Moncrief
Brown of Monroe	Harris	Phillips
Clayton of Polaski	Jordan	Sellers
Coffee	Leonard	Tillman
Crawford of Columbia	Luckie	Worthy

The senate resolved itself into a committee of the whole, on the bill to separate and divorce Thomas Wright and Louisa Wright his wife, Mr. Wimberly in the chair.

The President having resumed the chair, Mr. Wimberly reported the bill without amendment.

The senate took up and agreed to the report.

The bill was read the third time,

And on the question, “ Shall this bill pass ? ” the yeas and nays being required, it was determined in the affirmative—the President voting in the affirmative.



The yeas are 40—the nays are 20.

Those in the affirmative, are  
Messrs.

Alexander	Hawthorn	Scarborough
Allen	Hendrick	Scarlett
Beall	Holloway	Sledge
Brown of Camden	Hoxey	Smith
Burton	Lawson	Spann
Campbell	Leonard	Swain
Cargille	Monroe	Tennille
Clayton of Clark	Moore	Thomas
Coffee	Munroe	Walthour
Crawford of Hancock	Powell	Williams
Davies	Ray	Wilson
Ezzard	Remson	Wimberly
Groves	Ryalls	Wooten

Those in the negative are,  
Messrs.

Anderson	Denmark	McDougald
Blackstone	Dunagen	Miller
Blair of Habersham	Fulwood	Phillips
Blair of Lowndes	Harris	Sellers
Brown of Monroe	Jordan	Tillman
Cochran	Luckie	Worthy
Crawford of Columbia	Maxwell	

The senate resolved itself into a committee of the whole, Mr. Anderson in the chair, on the bill to establish an additional electoral district in the county of Warren.

The President having resumed the chair, Mr. Anderson reported the bill without an amendment. The senate took up and agreed to the report.

The bill was read the third time and passed.

Mr. Coffee notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill for the relief of Margaret Smith.

The following message was received from the house of representatives by Mr. Dawson their clerk:

*Mr. President—*

The house of representatives have agreed to a resolution to have erected over the remains of the late Wm. W. Baker a monument, commemorative of the respect and esteem of the Legislature—and

A resolution requesting the governor to postpone the day of the execution of Ludwell Watts—to which they desire concurrence.

The clerk having withdrawn,

The senate took up the message, and concurred in the resolution of the house, relative to the erection of a monument over the remains of the late Wm. W. Baker.

The senate took up the remaining part of the message of to day, consisting of the following preamble and resolution :

Whereas a bill is now pending in this house, to pardon Ludwell Watts, who is under sentence of death for the murder of Denton Daniel, and there not being sufficient time to act on said bill with the proper deliberation before the day of execution,

*Therefore, resolved,* That the governor be requested to postpone the execution of the said Ludwell Watts, until Friday the 14th day of December next, and that the Sheriff of Butts county be notified of the same.

On motion of Mr. Clayton of Clark, to amend the resolution by striking out the words "*Governor be requested to postpone the,*" and insert the words "*be suspended*" after the words "*Ludwell Watts,*" the yeas and nays being required thereupon, it was determined in the negative.

The yeas are 29--the nays are 34.

Those in the affirmative are Messrs.

Alexander	Coffee	Moore
Allen	Hawthorn	Munroe
Blair of Habersham	Jordan	Scarlet
Blair of Lowndes	Leonard	Sellers
Brown of Camden	Luckie	Sledge
Brown of Monroe	Maxwell	Thomas
Burton	McDougald	Walthour
Clayton of Clark	McTyre	Wimberly
Clayton of Pulaski	Miller	Worthy
Cochran		

Those in the negative are Messrs.

Anderson	Groves	Remson
Beall	Harris	Ryalls
Blackstone	Handrick	Scarboro
Campbell	Holloway	Smith
Cargille	Hoxey	Spann
Crawford of Columbia	Lawson	Swain
Crawford of Hancock	Martin	Tennille
Davies	Moncrief	Tillman
Denmark	Phillips	Williams
Dunagen	Powell	Wilson
Ezzard	Ray	Wooten
Fulwood		

The senate then concurred in said preamble and resolution, and the secretary pro tempore ordered to return it forthwith to the H. of Representatives, in which it originated.

Mr. Maxwell laid on the table the following resolution :

*Resolved,* That a committee be appointed, to invite a Minister of the Gospel to attend every morning in the senate chamber, at the opening of the senate, to put up a petition to Almighty God, implor-

beg his forgiveness of our errors, and beseeching his blessing on our deliberations for the welfare of our State.

The senate adjourned until to morrow morning 10 o'clock.

WEDNESDAY, 14th Nov. 1827.

Agreeably to notice, mr. Anderson moved for the appointment of a committee, to prepare and report a bill to alter and amend an act entitled an act to regulate the rates of tavern license in this State, passed the 15th of Dec. 1809.

Ordered, that messrs. Anderson, McTyre, and Brown of Camden be that committee.

Agreeably to notice, mr. Coffee moved for the appointment of a committee to prepare and report a bill for the relief of Margaret Smith.

Ordered, that messrs. Coffee, Davies, and Blair of Habersham be that committee.

Agreeably to notice, mr. McDougald moved for the appointment of a committee, to prepare and report a bill to create two additional military brigades, and one division of the Georgia militia.

Ordered, that messrs. McDougald, Sledge and Cosby be that committee.

Agreeably to notice, mr. Sellers moved for the appointment of a committee to prepare and report a bill for the relief of persons, in certain cases, who have purchased any part of the State's interest in lots which have been condemned as fraudulently drawn, within the counties of Bibb, Houston, Crawford, Monroe, Upson, Pike, Henry, Fayette, DeKalb and Newton.

Ordered, that messrs. Sellers, Wooten and Leonard be that committee.

Mr. Maxwell laid on the table the following resolution :

*Resolved*, That both branches of the legislature will convene in the representative chamber on Saturday next at 11 o'clock, to proceed to the elections of a Comptroller General, Secretary of State, Surveyor General, and Treasurer.

On motion of mr. Ryalls,

*Resolved*, That James G. Conner and Duncan McCrimmon be, and they are hereby appointed Commissioners of the Montgomery County Academy, in place of Angus McLeod, dec'd, and James Alston, removed.

Mr. Cargille, from the committee appointed, reported a bill to compel Justices of the Peace in this State to give bond and security, Which was read the first time.

The following bill were read the second time and ordered for a third reading :

A bill to appoint commissioners for the improvement of the Ocmulgee river, in the counties of Butts, Jasper and Jones--and

A bill to repeal an act for the division of Upson county into elec

coral districts, and to establish an additional election district in the county of Rabun, so far as regards Upson county.

The following bills were read the second time and ordered for committees of the whole :

A bill to manumit a male slave and a female slave by the names of Davy and Hannah.

A bill for the division of the late acquired counties of Carroll, Coweta, Troup, Muscogee and Lee, into counties of a proper shape and size—and

A bill to authorize James A. Dunlap, of the town of Quincy, in the territory of Middle Florida, to plead and practice Law, as an Attorney, Solicitor and Counsellor, in the several courts of law and equity in this State.

The following bills were read the third time and passed :

A bill to regulate the trading of merchants, shop-keepers and others, so far as regards the county of Glynn, and to punish those who may attempt to defeat the same.

A bill to amend an act to incorporate the Knoxville Academy in the county of Crawford.

A bill to establish and make permanent the ferry on the Chatahoochee river, in the county of Hall, known by the name of Obadiah Light's ferry.

A bill to compel the clerks of the Superior and Inferior courts of the county of Ware, to keep their offices at or within one mile of the court-house of said county—and

A bill for the relief of the citizens of Tattnall county.

The senate resolved itself into a committee of the whole, on the bill to legalize and make valid all grants of land which may have been heretofore issued without the signature of the governor being attached to the same—mr. Beall in the chair ;

The President having resumed the chair, mr. Beall reported progress, and had leave to sit again.

The senate resolved itself into a committee of the whole, on the bill to authorize Amos Emanuel to establish a Ferry across Little river, where Coffee's road crosses the same in Lowndes county, on his own land—mr. Phillips in the chair ;

The President having resumed the chair, mr. Phillips reported the bill with amendment. The senate took up and agreed to the report.

The bill was read the third time—and on the question, " Shall this bill pass ?" the yeas and nays being required, it was determined in the affirmative.

The yeas are 43—the nays are 20.

Those in the affirmative are Messrs.

Alexander	Brown of Camden	Cochran
Allen	Brown of Monroe	Coffee
Anderson	Burton	Cosby
Beall	Campbell	Denmark
Blackstone	Cargille	Dunagen
Blair of Lowndes	Clayton of Pulaski	Fulwood

Gilder	Porter	Swain
Groves	Powell	Tennille
Harris	Remson	Thomas
Hawthorn	Scarboro	Tillman
Hendrick	Scarlet	Walthou
Hicks	Sellers	Wilson
Holloway	Smith	Wooten
Maxwell	Spann	Worthy
Moore		

Those in the negative, are Messrs.

Clayton of Clark	Luckie	Phillips
Crawford of Columbia	Martin	Ray
Davies	McDougald	Ryalls
Ezzard	McTyre	Sledge
Jordan	Miller	Williams
Lawson	Moncrief	Wimberly
Leonard	Munroe	

The senate resolved itself into a committee of the whole, mra Allen in the chair, on the bill to incorporate the Washington Academy in the county of Gwinnett, and to appoint Trustees for the same.

The President having resumed the chair, mr. Allen reported the bill without amendment.

Ordered, that the report lie on the table.

The senate resolved itself into a committee of the whole, on the bill to repeal an act entitled an act for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned, so far as relates to the banishment of Lewis Johnst on, jr. mr. Crawford of Hancock in the chair.

The President having resumed the chair, mr. Crawford reported the bill without amendment. The senate took up and agreed to the report.

The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, mr. Clayton of Clark in the chair, on the bill to compel all persons who do, or may hereafter, own settled plantations and negroes in the county of Bryan, to make their tax returns and pay their taxes annually in said county.

The President having resumed the chair, mr. Clayton reported the bill with amendment.

Ordered, that the report lie on the table.

Mr. Coffee presented the petition of James A. Rogers, the Surveyor of the 9th section of the 5th division of the late acquired territory,

Which was read and referred to a committee consisting of messrs. Coffee, Blair of Lowndes, and Martin.

The senate took up the resolution of mr. Maxwell of the 15th inst. relative to the appointment of a committee, to invite a minister of the gospel to attend in the senate chamber every morning at the

peting of the senate, to put up a petition to Heaven, imploring the forgiveness of our errors, and beseeching its direction in our deliberations, for the welfare of our State—and  
On motion to agree thereto, the yeas and nays being required, it is determined in the affirmative.  
The yeas are 33—the nays are 25.

Those in the affirmative are  
Messrs.

all	Leonard	Ryalls
air of Lowndes	Luckie	Scarborough
free	Maxwell	Scarlett
awford of Columbia	McDougald	Sledge
awford of Hancock	McTyre	Smith
vies	Miller	Tillman
zard	Munron	Walthour
eris	Phillips	Williams
loway	Porter	Wimberly
key	Powell	Wooten
wson	Ray	Worthy

Those in the negative are  
Messrs.

xander	Clayton of Pulaski	Hicks
lerson	Cechran	Martin
ckstone	Cosby	Moncrief
r of Habersham	Denmark	Moore
wn of Camden	Fulwood	Ramson
wn of Monroe	Groves	Seilers
ppbell	Hawthorn	Tennille
ille	Hendrick	Thomas
ton of Clark		

The following message was received from the house of representatives, by Mr. Dawson their clerk :

*President—*

The house of representatives have agreed to the following resolutions ;

1. Authorising the governor to cause the names of all Pedlars and Itinerant Traders to be published in one of the papers published in Macon ;

2. Requiring all acts which may be passed during this session of the legislature, to be printed so as to contain the signatures of the Speaker of the house and the President of the senate, and the signature of the Governor ;

3. And one authorising the commissioners of the Chatahoochee river to chase slaves to work on said river—To all which they desire concurrence.

They have this day agreed to a resolution to bring on the election of state house officers on Friday next at 11 o'clock A. M. to which they desire the concurrence of senate.

The senate took up the message, and the three first of the resolutions therein contained were severally read and concurred in.

The resolution to bring on the election of the State-house officers on Friday next, was read and concurred in,

When, on motion of Mr. Blair of Habersham, that the senate now adjourn, it was determined in the negative.

The yeas and nays being required, are—yeas 28, nays 32.

Those in the affirmative are, Messrs.

Alexander	Cosby	Porter
Anderson	Davies	Ray
Blair of Habersham	Fulwood	Remson
Blair of Lowndes	Hendrick	Scarlett
Burton	Hicks	Sellers
Cargille	Hoxey	Smith
Clayton of Clark	Jordan	Tennille
Clayton of Pulaski	Luckie	Thomas
Cochran	Moore	Wooten
Coffee		

Those in the negative are, Messrs.

Allen	Harris	Munroe
Beall	Hawthorn	Phillips
Blackstone	Holloway	Powell
Brown of Monroe	Lawson	Ryalls
Campbell	Leonard	Scarboro
Crawford of Columbia	Martin	Sledge
Crawford of Hancock	Maxwell	Tillman
Denmark	McDougald	Walthour
Dunagen	McTyre	Williams
Ezzard	Miller	Wimberly
Groves	Moncrief	

On motion of Mr. Crawford of Columbia, that the secretary tempore do return the resolution forthwith to the house of representatives, to bring on the election of State-house officers on Friday next, it was determined in the affirmative.

The yeas and nays being required, are—yeas 41, nays 19.

Those in the affirmative are, Messrs.

Allen	Groves	McTyre
Beall	Harris	Miller
Blackstone	Hawthorn	Moncrief
Blown of Monroe	Holloway	Moore
Campbell	Jordan	Munroe
Cochran	Lawson	Phillips
Crawford of Columbia	Leonard	Porter
Crawford of Hancock	Luckie	Powell
Denmark	Martin	Ryalls
Dunagen	Maxwell	Scarborough
Ezzard	McDougald	Scarlett

Sellers  
Edge  
Thomas

Tillman  
Walthour  
Williams

Wimberly  
Worthy

Those in the negative are, Messrs.

Alexander  
Anderson  
Blair of Habersham  
Blair of Lowndes  
Cargille  
Clayton of Clark  
Clayton of Pulaski

Coffee  
Cosby  
Davies  
Fulwood  
Hendrick  
Hicks

Hoxey  
Ray  
Remson  
Smith  
Tennille  
Wooten

Mr. Sellers, from the committee appointed, reported a bill for the relief of the present trustees of the poor school fund for the county Henry,

Which was read the first time.

Mr. Anderson, from the committee appointed, reported a bill to amend an act to regulate the rates of tavern license in this State, passed 16th Dec. 1809,

Which was read the first time.

Mr. Scarlett laid on the table the following resolution:

*Resolved*, That the Governor do not pay to the person who may be employed to carry the laws and journals to the different counties, until he produces a receipt from the Clerk of the Superior or inferior court, or one of the Justices of the inferior court, for the same—and that the person who may be employed, shall deliver the laws and journals to either of the above named officers by the 1st of May.

Mr. Blair of Habersham called up the petition of Arthur H. Henry, which was referred to a committee consisting of Messrs. Blair of Habersham, Clayton of Clark, Davies, Brown of Monroe, Hoxey.

The Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, 15th Nov. 1827.

On motion of Mr. Blair of Habersham, to re-consider so much of the journal of senate of yesterday as relates to the adoption of the resolution, to procure the services of a chaplain for the senate during its present session. The yeas and nays being required thereon, it was determined in the negative.

The yeas are 29, the nays 34.

Those who voted in the affirmative are, Messrs.

Alexander  
Anderson  
Clarkstone  
Blair of Habersham

Brown of Monroe  
Burton  
Campbell  
Cargille

Clayton of Clark  
Clayton of Pulaski  
Cochran  
Coffee



Cosby	Hicks	Sparr
Crawford of Hancock	Martin	Swain
Denmark	Moore	Tennille
Dunagen	Porter	Wilson
Fulwood	Remson	Worthy
Hendrick	Sellers	

Those in the negative are, Messrs.

Allen	Leonard	Ryalls
Beall	Luckie	Scarborough
Blair of Lowndes	Maxwell	Scarlett
Crawford of Columbia	McDougald	Sledge
Davies	McTyre	Smith
Ezzard	Miller	Thomas
Groves	Moncrief	Tillman
Harris	Munroe	Walthour
Holloway	Phillips	Williams
Hoxey	Powell	Wimberly
Jordan	Ray	Wooten
Lawson		

Mr. Hendrick had leave to introduce, instantler, a bill to alter an act "to authorise the Clerks, Sheriffs, and other officers in any of the counties in the Southern, Flint, Demulgee and Western circuits and of the county of Warren, to insert their advertisements in any gazette published in Milledgeville or within their circuits, and to compel deputy Sheriffs to advertise in the same paper in which his principal shall advertise," passed 17th Dec. 1825.

Which was read the first time.

Mr. Crawford of Columbia presented the memorial of Joel Bailey praying legislative interference and relief, in relation to his lease of the Indian Springs from the late Gen. Wm. McIntosh,

Which was read and referred to a select committee, consisting of messrs. Crawford of Columbia, Davies and Phillips.

Mr. Walthour called up the report of the select committee, laid on the table the 10th inst. on the petition of John Winn, late tax collector of Liberty county,

Which was read and agreed to.

Mr. Remson, from the committee appointed, reported a bill for the relief of the securities of William Hopkins,

Which was read the first time.

Mr. Tillman, from the committee appointed, reported a bill to establish an additional place of holding elections in the county of Tattnall,

Which was read the first time.

Mr. Ezzard, from the committee appointed, reported a bill to repeal so much of the 22d section of an act, "to revise and consolidate the militia laws of this State and to repeal the cavalry laws now in force," passed the 19th Dec. 1818, as requires the senior officer present at all courts of Enquiry, to preside,

Which was read the first time.

Mr. Campbell, from the committee appointed, reported a bill to sell and dispose of the reserved lands in the counties of Houston and Dooly,

Which was read the first time.

Mr. Moore, from the committee appointed, reported a bill to alter and amend an act to make permanent the site of the public buildings for the county of Walton, at Monroe, and to incorporate the same, and the better to define the duties of the commissioners thereof,

Which was read the first time.

Mr. Sledge, from the committee appointed, reported a bill to shorten the period within which it is now lawful to institute actions against fraudulent drawers in the last land lottery of this State,

Which was read the first time.

Mr. Clayton of Clark notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill to authorise Sheriffs in certain cases to give immediate possession to fortunate drawers of the lots of land drawn by them in the late land lottery.

Mr. McDougald, from the committee appointed on the communication received from his excellency the governor on the 12th inst. relative to the errors committed in the survey of the 1st district of the 2d section of the late acquired territory, made the following report :

The committee to whom was referred the governor's communication of the 12th inst. relative to the errors committed in the survey of the land lying in the 1st district of the 2d section of the territory embraced by the treaty of the Indian Springs, and the documents accompanying the same, have had the same under consideration, and Report—

That from the explanations given by W. P. Reed, the surveyor, your committee are induced to hope that the inaccuracies which exist may be corrected, and that at all events it is advisable to afford Mr. Reed an opportunity of making an effort to do so. Your committee therefore advise the adoption of the following resolution :

*Resolved*, That W. P. Reed, the surveyor of the 1st district of the 2d section of the territory embraced by the treaty of the Indian Springs be, and he is hereby allowed until the 1st day of February next, to examine the surveys in said district and to correct any errors which may be found therein, if it be practicable : Provided, that the said W. P. Reed shall take with him for that purpose, and at his own expense, a competent surveyor, to be approved by the surveyor general of the State, who, with the said W. P. Reed, shall make a report of their doings and furnish a copy of their work to the surveyor general on or before the said 1st day of February next : And provided also, that the said W. P. Reed shall first obtain the assent and approbation, in writing, of his securities, to the terms of this resolution and the indulgence hereby granted to the said W. P. Reed,

Which being read, was ordered to lie on the table.

Mr. Allen, from the committee appointed, reported a bill to amend

an act to incorporate Philomathia Academy, and to appoint other commissioners therein named,

Which was read the first time.

Mr. Beall had leave to report, instanter, a bill to make the estates of all attorneys at law liable for the payment of all sums of money by them collected and not paid over, before the payment of other debts due by such attorneys,

Which was read the first time.

Mr. Holloway presented the petition of John Keener, security for Lawson J. Keener, on a bond given the State's Agent for the rent of the ferry across the river Ocmulgee at or near Fort Hawkins, praying for further indulgence to pay the amount of such bond,

Which was read and referred to a committee, consisting of messrs. Holloway, Baber and Hoxey.

Mr. Crawford of Hancock presented the memorial of Mrs. Julia P. Warne, soliciting an annual appropriation to the Sparta Female Academy, for the support of a professor in Chemistry, Mineralogy, Mathematics and Natural Philosophy,

Which was read and referred to the joint committee on public education and free schools.

The following message was brought from the house of representatives by Mr. Dawson their clerk, informing the senate that the house of representatives have passed a bill to pardon Ludwell Watts of Butts county.

The senate took up the message, and the bill therein contained was read the first time.

Mr. Campbell laid on the table the following resolution—

Whereas, much confusion does exist in consequence of the incomplete survey of the first division of the second section, in regard to the grants thereof—

*Be it therefore resolved,* That his excellency be authorized to suspend the issuing of grants to lots in said division until the same shall be reported accurately surveyed.

Mr. Ray, from the committee appointed, reported a bill to authorize the next receiver of tax returns for the county of Thomas, to receive the tax returns of the citizens of said county, or any other person whose taxes are due the State prior to the year 1827, and to make it the duty of the collector of taxes for the county of Thomas to collect the said taxes,

Which was read the first time.

The following bills were read the 2d time, and ordered for committees of the whole ;

A bill to compel Justices of the Peace in this State to give bond and security.

A bill for the relief of the present trustees of the poor school fund of Henry county—and

A bill to amend an act to regulate the rates of tavern license in this State, passed 15th Dec. 1809.

The following bills were read the third time and passed :

A bill to repeal an act entitled an act for the division of Upson county into electoral districts, and to establish an additional elec-

tion district in the county of Rabun, so far as regards Upson county—and

A bill to appoint commissioners for the improvement of the Ocmulgee river in the counties of Butts, Jasper and Jones.

The senate resolved itself into a committee of the whole, Mr. Davies in the chair, on the bill to legalize and make valid all grants of land which may have been heretofore issued without the signature of the governor being attached to the same ;

The President having resumed the chair, Mr. Davies reported the bill with an amendment by way of substitute. The senate took up and agreed to the report, and the bill was read the third time and passed, under the title of "a bill to legalize and make valid a certain grant of land heretofore issued to Robert A. Beall."

The senate resolved itself into a committee of the whole, Mr. Groves in the chair, on the bill for the relief of Hugh B. Smith of Columbia county.

The president having resumed the chair, Mr. Groves reported, that the committee had disagreed to the bill. The senate took up the report, and on the question to agree thereto, the yeas and nays being required, the same was determined in the affirmative.

The yeas are 39—the nays are 22.

Those who voted in the affirmative, are Messrs.

Alexander	Groves	Miller
Anderson	Hawthorn	Moncrief
Blackstone	Hendrick	Munroe
Blair of Habersham	Holloway	Ray
Blair of Lowndes	Hoxey	Ryalls
Brown of Camden	Jordan	Scarborough
Brown of Monroe	Lawson	Sledge
Campbell	Leonard	Smith
Cargille	Luckie	Spann
Clayton of Clark	Martin	Swain
Davies	Maxwell	Thomas
Dunagen	McDougald	Williams
Ezzard	McTyre	Wilson

Those in the negative are, Messrs.

Allen	Fulwood	Sellers
Beall	Harris	Tennille
Burton	Moore	Tilman
Clayton of Pulaski	Phillips	Walthour
Cochran	Porter	Wimberly
Coffee	Powell	Wooten
Crawford of Columbia	Remson	Worthy
Denmark		

The Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, Nov. 16th, 1827.

On motion of Mr. Crawford of Columbia, to reconsider so much of the Journal of yesterday as relates to the agreement of Senate to the report of the committee of the whole, on the bill for the relief of Hugh B. Smith of Columbia county. It was determined in the negative.

Agreeably to notice, Mr. Clayton of Clark moved for the appointment of a committee, to prepare and report a bill to authorise Sheriffs in certain cases, to give immediate possession to fortunate drawers of the Lots of land drawn by them in the late land lottery. Ordered, that messrs. Clayton of Clark, Groves and Jones be that committee.

The following communications were received from the Governor by his Secretary Mr. Pierce,

EXECUTIVE DEPARTMENT, }  
Nov. 15th, 1827. }

Doct. James Troup now in Milledgeville, delegated by the board of Directors of the Bank of Darien, has submitted to this Department an extract from the minutes of the board as the evidence of his appointment, and made a proposition in writing in behalf of the Bank for the gradual payment of its bills now in the Treasury of the State. Copies of these papers are herewith transmitted to the General Assembly for their consideration.

Signed,

JOHN FORSYTH.

Which communication with its accompanying documents were read and referred to the committee on Finance.

EXECUTIVE DEPARTMENT, }  
Nov. 15, 1827. }

The 9th section of the act of the 26th Dec., 1826, entitled an act to provide for the improvement of the navigation of certain water courses therein expressed, makes it the duty of the commissioners appointed to superintend the improvement of the Ocmulgee river on the 2d Monday of October in each year, to transmit to the Governor a correct report of their proceedings to be by him laid before the General Assembly at the commencement of each session. The report signed by the President of the board of commissioners, and countersigned by their Secretary, dated the 10th inst., was received at this Department on the 14th inst., and is herewith transmitted to the General Assembly. The report contains an explanation of the causes of the delay of the commissioners to comply with the obligations of the act.

Signed,

JOHN FORSYTH.

Which was read and with the report referred to the committee on Internal Improvement

On motion of Mr. Phillips, the Honorable Senator from the county of Gibb, was added to the committee on Public Education and Free Schools.

Mr. Clayton of Clark notified the Senate that after to-day would move for the appointment of a committee to prepare and report a bill, to point out the manner of disposing of such articles

on which mechanics in certain cases have a lien by reason of labour bestowed thereon in making or repairing the same

A message was received from the House of Representatives by Mr. Dawson their clerk, informing the Senate that the House were ready to receive them in their chamber for the purpose of proceeding to the election of the State House officers agreeably to a concurred resolution.

Whereupon the President and members of Senate repaired to the Representative chamber, and being seated, both branches of the General Assembly, by joint ballot proceeded to the election of the Secretary of State, and on counting out the votes, it appeared that Col. Everard Hamilton was duly elected.

They proceeded in like manner to the election of a Treasurer, and on counting out the ballots, it appeared that Hines Holt, Esq. was duly elected.

They proceeded in like manner to the election of a Surveyor General, and on counting out the votes, it appeared that John McBride was duly elected.

They proceeded in like manner to the election of a Comptroller General, and on counting out the votes, it appeared that Thacker B. Howard, Esq. was duly elected.

The President and members of Senate returned to their chamber, and on motion, the Senators from Hancock, Washington, Putnam and Troup, had leave of absence for a few days.

The Senate adjourned until to-morrow morning, 10 o'clock.

*SATURDAY, Nov. 17th, 1827.*

On motion of Mr. Davies,

The senate reconsidered so much of their journal of yesterday as relates to the reference of the governor's communication concerning the Darien Bank, to the joint committee on Finance.

On motion,

The hon. senators from Jones and Twiggs had leave of absence for a few days.

Agreeably to notice, Mr. Clayton of Clark moved for the appointment of a committee, to prepare and report a bill to point out the manner of disposing of such articles upon which mechanics in certain cases have a lien, by reason of labor bestowed thereon, in making or repairing the same.

Ordered, that Messrs. Clayton of Clark, Scarborough and Scarlett be that committee.

The senate took up the report of the committee of the whole, on the bill to grant to Thomas Spalding and his associates the right of constructing a rail-road, or digging a canal from the Ocmulgee to the Flint river, with certain privileges,

When Mr. Powell presented the following bill, as a substitute to the original bill :

A bill to grant to Thomas Spalding and his associates the right of

constructing a rail-road of wood, or digging a canal from the Ocmulgee to the Flint river, with certain privileges.

Sec. 1. *Be it enacted by the Senate and House of the Representatives in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas Spalding, and such persons as he may associate with himself, being citizens of the United States, be authorized to cut a canal, or construct a rail-road of wood, from the Ocmulgee to the Flint river, from and to such points as they may deem most proper and fit.

Sec. 2. *And be it further enacted,* That the said Thomas Spalding and his associates shall have power to purchase, in fee simple, such land as may be necessary for the constructing and completing the said rail-road or canal--And in case of disagreement as to the price of the land so taken, between the owner or owners thereof and the said Thomas Spalding and his associates, and one who shall be appointed by the Inferior court of the county, with the right of appeal to either party, to be tried by a special jury at the term of the Superior court next thereafter, held in that county, and the decision, in whatever way finally made, shall vest in the said Thomas Spalding and his associates the fee simple of the land in question, and in the other party a judgment for its value thus ascertained.

Sec. 3. *And be it further enacted,* That the said Thomas Spalding and his associates shall have the exclusive control and benefits resulting from the said rail-road or canal for the term of ninety-nine years from its completion, at the expiration of which time, the said rail-road or canal shall revert to the State--*Provided,* that the State may at any time, within — years, take an interest in the said rail-road or canal, not exceeding one half, after paying to the said Thomas Spalding and his associates, his or their assigns, a sum equal to the same portion of the capital, which may satisfactorily be shewn has been expended upon the work and expenses attending the same, and eight per cent interest thereon from the time the said work shall have been commenced until it shall have been completed.

Sec. 4. *And be it further enacted,* That the said Thomas Spalding and his associates shall have authority to impose and exact such reasonable toll as may be proper and sufficient for the purpose of remunerating them for the labor and expenditure of the undertaking, and to enable them to keep the same in repair.

Sec. 5. *And be it further enacted,* That the said Thomas Spalding and his associates be and they are hereby incorporated as a company, entitled "The Ocmulgee and Flint Rail-Road or Canal Company," for the purposes aforesaid, and are declared capable of suing and being sued, impleading and being impleaded, and of using all necessary legal measures for prosecuting or defending the rights, privileges and immunities hereby granted to the said Thomas Spalding and his associates.

Sec. 6. *And be it further enacted,* That the term of five years be allowed to the said Thomas Spalding and his associates to complete the said rail-road, or ten years to complete the canal, from the passage of this act--and if at the expiration of the time herein specified

the said work shall not have been completed, then, and in such case, this charter of incorporation, and all the rights, privileges and immunities hereby granted, shall cease and be void, to all intents and purposes.

Sec. 7. *And be it further enacted*, That no person or persons, nor any company or association, shall have the right or privilege of cutting a canal or constructing a rail-road between the Ocmulgee and Flint rivers, within twenty-five miles above or twenty-five miles below the contemplated rail-road or canal, now granted to Thomas Spalding and his associates: *Provided*, that the said Thomas Spalding and his associates, his or their assigns, shall, within two years from the passage of this act, deposit in the office of the executive of his State a plan or chart of the contemplated work, shewing its course and direction.

The substitute was taken up by paragraphs, and the blank in the third paragraph filled by the insertion of the word "*two*."

The seventh paragraph having been read, Mr. Blair of Habersham proposed to amend the same by the addition of the following proviso:

"*Provided*, that nothing herein contained shall be so construed as to prevent the State from cutting canals and making rail-roads in any part of this State, provided the legislature may think proper to do so,"

And on the question to agree thereto, the yeas and nays being required, it was determined in the negative.

The yeas are 10—the nays are 50.

Those in the affirmative are, Messrs.

Anderson	Clayton of Pulaski	Moore
Beall	Hendrick	Remson
Blair of Habersham	Moncrief	Wooten
Brown of Monroe		

Those in the negative are Messrs.

Alexander	Fullwood	Porter
Allen	Groves	Powell
Baber	Harris	Ray
Blair of Lowndes	Hawthorn	Ryalls
Brown of Camden	Hicks	Scarborough
Burton	Holloway	Scarlett
Campbell	Jordan	Sellers
Cargille	Lawson	Smith
Clayton of Clark	Leonard	Spann
Cochran	Luckie	Swain
Coffee	Martin	Thomas
Cosby	Maxwell	Tillman
Crawford of Columbia	McDougald	Walthour
Davies	McTyre	Williams
Denmark	Miller	Wilson
Dunagen	Munroe	Worthy
Ezzard	Phillips	



The report having been agreed to as amended, the bill was read the third time, and on the question, "Shall this bill pass?" the yeas and nays being required, it was determined in the affirmative. The yeas are 53, the nays 6.

Those in the affirmative are, Messrs.

Alexander	Fulwood	Powell
Allen	Groves	Ray
Baber	Harris	Remson
Beall	Hawthorn	Ryalls
Blair of Lowndes	Hicks	Scarborough
Brown of Camden	Holloway	Scarlett
Burton	Jordan	Sellers
Campbell	Lawson	Smith
Cargille	Leonard	Spann
Clayton of Clark	Luckie	Swain
Clayton of Palaski	Martin	Thomas
Cochran	Maxwell	Tillman
Coffee	McDougald	Walthour
Cosby	McTyre	Williams
Davies	Miller	Wilson
Denmark	Munroe	Wooten
Dunagen	Phillips	Worthy
Ezzard	Porter	

Those in the negative are, Messrs.

Anderson	Brown of Monroe	Hendrick
Blair of Habersham	Crawford of Columbia	Moncrief

The following message was brought from the house of representatives by Mr. Dawson their clerk:

*Mr. President—*

The house of representatives have agreed to a resolution in favor of George Millen, tax collector of Chatham county, to which they desire concurrence.

They have passed the following bills, to-wit:

A bill to establish a toll bridge across the Ochopee river, on the State road leading from Macon to Augusta—and

A bill to divorce Zebulon and Eliza Rudolph.

In consequence of the absence of the Speaker, the house this day elected Ashbury Hull, Esq. of Clarke county, Speaker pro tem.

On motion of Mr. Wilson,

Whereas a bill is now pending before the senate, for the pardon of Ludwell Watts, convicted at the last term of Butts Superior court of the crime of murder, and whereas it is important that the testimony on which said conviction was founded should be accessible to each member, in order to a correct understanding of the same, therefore,

*Be it resolved,* That one hundred copies thereof be printed for the use of the senate.

The senate adjourned until Monday morning 10 o'clock.

MONDAY, Nov. 19th, 1827

Mr. Scarlett presented the memorial of the Brunswick Canal Company, which was read and with its accompanying documents referred to a committee consisting of Messrs. Scarlett, Clayton of Clark, and Brown of Camden.

The Senate took up the Governor's communication of the 15th inst., relative to propositions by the Bank of Darien, which with the accompanying documents were referred to a committee consisting of Messrs. Davies, Crawford of Columbia, and Clayton of Clark, with leave to report by bill or otherwise—Ordered, that the Secretary pro tem, inform the House of Representatives of said reference, and request the appointment of a committee on their part to join the committee of Senate.

Mr. Crawford of Columbia from the committee to whom was referred the petition of Joel Bailey, reported, That they have had the same under consideration, and find the following facts: That previous to the Treaty of the Indian Springs in February 1825, said Bailey had leased said Springs, and the reservation of lands attached to the same from Gen. William McIntosh for the term of twenty years but for the purpose of promoting the treaty of 1825, and to secure the State the objects contemplated by the same, he relinquished his lease to General McIntosh upon the express condition of retaining possession of the premises for two years, for which he Bailey was to give five hundred dollars a year, to be discharged in improvements upon the premises or land. Your committee find that one thousand and twenty four dollars and 71 cents of necessary repairs and useful improvements have been placed upon the premises, by said Joel Bailey. They also find that the Legislature directed said property to be leased or rented for the year 1826, one year of said Bailey's being then unexpired, and the said Bailey not feeling a disposition to resist the acts of the Legislature of the State of Georgia quietly submitted to the measure, and in order to save himself in the preparation he had made, to remain the period of his two years' lease, as well as to avoid the great expense and inconvenience of removal, he was compelled to rent the said premises a second time from the State, for which he gave his note to the State for the sum of five hundred and fifty-one dollars. This statement of facts as your committee conceive; places the State under the obligation either to restore said note to Joel Bailey or to pay him for one half of the improvements which he has put upon the premises by virtue of his contract with, & lease from the late General McIntosh, and as the rent of the premises and the improvements made by the said Joel Bailey, are nearly equal in amount, your committee beg leave to recommend the adoption of the following resolution.

*Resolved*, That the officer in whose hands or possession the note given by Joel Bailey to the State for the rent of the Indian Springs in Butts county, be authorised and directed to deliver the same to the said Joel Bailey, and repay any sum or sums of money that the said Joel Bailey may have heretofore paid on account of the same upon his application, which was read and ordered to lie on the table.

Mr. Allen from the committee appointed, reported a bill to amend an act entitled an act to empower the general Court of pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenancy in common in this province, and appointing the method of proceeding therein, passed the 26th March, 1767, which was read the 1st time.

Mr. Moore presented the memorial of Col. William Melton, praying a remuneration for monies expended by him in payment of services rendered in the year 1787, against the Indians in behalf of the inhabitants of this State by himself and company, which was read and referred to the joint committee on the State of the republic.

Mr. Martin from the committee appointed, reported a bill to lay off the county of Jackson into school districts, and to vest the Free School and Academy funds in certain commissioners to be appointed for said districts, and to incorporate the same, which was read the 1st time.

Mr. Phillips presented the petition of a number of the citizens of Jasper county, praying the establishment of an electoral precinct in said county, which was read and referred to a select committee consisting of Messrs. Phillips, Moore and Ezzard.

Mr. Brown of Monroe, had leave to report instantly a bill to amend certain reserves and improvements in the late acquired territory for the year 1828, which was read the 1st time.

Mr. Clayton of Clark from the committee appointed, reported a bill to authorise Sheriffs in certain cases to give immediate possession to fortunate drawers of lots of land drawn by them in the late land lottery, which was read the 1st time.

Mr. Coffee from the committee to whom was referred the petition of James A. Rogers—reported that, the committee to whom was referred the petition of James A. Rogers, report that they have had said petition under consideration, and are of opinion that the prayer of the petitioner is reasonable and ought to be granted; they therefore recommend the adoption of the following resolution.

*Resolved by the Senate and House of Representatives in assembly met,* That the sum of one hundred and forty dollars and 25 cents be paid to James A. Rogers, for the time he was employed by the Indians whilst he was employed in surveying the 9th section of the 5th division of the late acquired territory, and that the same be placed in the appropriation law, which being read was ordered to lie on the table.

Mr. Blair of Lowndes, notified the Senate that after to-morrow would move for the appointment of a committee to prepare and report a bill to authorise the Secretary of State to correct in a certain grant of land lying in the 11th district formerly in now Lowndes county.

On motion of Mr. Scarlett, the Senate took up and agreed to the following resolution:

*Resolved,* that the Governor do not pay to the person who may be employed to carry the Laws and Journals to the different counties, until he produces a receipt from the Clerk of the Superior Court or one of the Justices of the Inferior Court in the same, and that the person who may be employed, shall deliver

Laws and Journals to either of the above named officers, by the 1st day of May.

The following bills were read the second time, and ordered for a third reading ;

A bill for the relief of the securities of William Hopkins.

A bill to repeal so much of the 22d section of an act, " to revise and consolidate the militia laws of this State and to repeal the cavalry laws now in force," passed the 19th Dec. 1818, as requires the senior officer present at all courts of Enquiry, to preside.

A bill to alter and amend an act entitled an act to make permanent the site of the public buildings for the county of Walton, at Monroe, and to incorporate the same.

A bill to establish an additional place of holding elections in the county of Tallnall.

A bill to amend an act to incorporate Philomathia Academy, and to appoint other commissioners therein named.

A bill to authorize the next receiver of tax returns for the county of Thomas to receive the tax returns of the citizens of said county, or any other person whose taxes are due the State prior to the year 1827, and to make it the duty of the collector of taxes for the county of Thomas to collect the said taxes—and

A bill to pardon Ludwell Watts of Buits county.

The following bills were read the second time and ordered for committees of the whole :

A bill to alter an act " to authorise the Clerks, Sheriffs, and other officers, in any of the counties in the Southern, Flint, Ocmulgee and Western circuits, and of the county of Warren, to insert their advertisements in any gazette published in Milledgeville or within their circuits, and to compel deputy Sheriffs to advertise in the same paper in which his principal shall advertise," passed 17th December, 1825.

A bill to sell and dispose of the reserved lands in the counties of Houston and Dooley.

A bill to shorten the period within which it is now lawful to institute actions against fraudulent drawers in the last land lottery of his State—and

A bill to make the estates of all attorneys at law liable for the payment of all sums of money by them collected and not paid over, before the payment of other debts due by such attorneys.

The Senate resolved itself into a committee of the whole on the bill for the division of the late acquired counties of Carroll, Coweta, Froup, Muscogree and Lee, into counties of a proper shape and size, Mr. Davies in the chair. The president resumed the chair, and Mr. Davies reported progress and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to incorporate Washington Academy, in the county of Gwinnett, and to appoint trustees for the same. Mr. Gamble in the chair. The President having resumed the chair, Mr. Gamble reported the bill without amendment. The Senate took up and agreed to the report. The bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Dawson their Clerk :

Mr. President, the H. of Representatives have agreed to a resolution appropriating five dollars per diem, to the lottery Commissioners and Clerk each.

And also to a report and resolution in favor of Joshua Milner, authorising the Governor to cause a grant to be issued in his name upon certain conditions, to which they desire concurrence.

The Clerk having withdrawn, the Senate took up and concurred in the resolutions therein contained.

The message of Saturday last on motion, was taken up, and the resolutions therein contained read and concurred in, and the bills were severally read the first time.

The Senate took up the report of the committee on the Governor's communication of the 13th inst. relative to the errors committed in the survey of the land lying in the 1st district of the 2d section of the territory embraced by the treaty of the Indian Spring, and amended the resolution by striking out the word "February" and inserting "May." The report and resolution were then read and agreed to as amended.

The President laid before the Senate a communication from Wm. Triplett, Comptroller General, inclosing a report of the Solicitor General of the Flint Circuit, and a statement of M. R. Wallis, State's agent for renting the public property at Fort Hawkins, which with its accompanying documents were read and referred to the committee on Finance.

Mr. Sellers presented the petition of Nicholas Miller, which was read and referred to a select committee consisting of messrs. Sellers, Wooton and Leonard.

Mr. Clayton of Clark had leave to report instantler, a bill to amend an act to render easy the mode of conveying lands, and for making valid all deeds and conveyances heretofore that may be deficient in point of form, which was read the first time.

Mr. Muncrief had leave to report instantler, a bill to incorporate the Locust Grove Academy, in Warren county, which was read the first time.

Mr. Sellers from the committee appointed, reported a bill for the relief of persons in certain cases, who have purchased any part of the State's interest in lots which have been condemned and sold as fraudulently drawn, within the counties of Bibb, Houston, Crawford, Monroe, Upson, Pike, Henry, Fayette, DeKalb and Newton.

Which was read the first time.

The Senate adjourned until to-morrow morning 10 o'clock.

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TUESDAY, 20th Nov. 1821.

Agreeably to notice, Mr. Blair of Lowndes moved for the appointment of a committee to prepare and report a bill to authorize the Secretary of State to correct an error in a certain grant of land lying in the 11th dist. formerly Irwin now Lowndes county.

Ordered, that messrs. Blair of Lowndes, Harris and Alexander be that committee.

On motion,

The hon. senator from Butts had leave of absence after to-day for a few days.

On motion of mr. Allen,

The senate took up the bill to separate and divorce John Wanslow and Sarah his wife, which was read, and on the question being put, "Shall this bill now pass?" it was determined in the negative.

The yeas and nays being required thereon, are yeas 26, nays 32.

Those in the affirmative are Messrs.

Alexander	Gamble	Ray
Allen	Groves	Ryalls
Baber	Hawthorn	Scarboro
Beall	Hendrick	Smith
Campbell	Hicks	Spann
Cargille	Holloway	Swain
Clayton of Clark	Lawson	Thomas
Cosby	Moore	Williams
Ezzard	Powell	

Those in the negative, are Messrs.

Anderson	Denmark	Miller
Blackstone	Dunagen	Moncrief
Blair of Habersham	Fulwood	Munroe
Blair of Lowndes	Harris	Phillips
Burton	Jordan	Remson
Clayton of Pulaski	Leonard	Sellers
Cochran	Luckie	Sledge
Coffee	Martin	Walthour
Crawford of Columbia	Maxwell	Wilson
Crawford of Hancock	McDougald	Wooten
Davies	McTyre	Worthy

Mr. Hendrick presented the petition of Archibald Henderson, praying compensation for services rendered by himself during the revolutionary war,

Which was read and referred to the committee on Petitions.

Mr. Hendrick also presented the memorial of William B. Davis, a commissioner of the Brunswick canal company,

Which was read and referred to the committee appointed yesterday on the memorial of the President and commissioners of the Brunswick Canal Company.

Mr. Crawford of Columbia, from the committee appointed, reported a bill to compensate petit jurors, and for other purposes,

Which was read the first time.

The following message was received from the house of representatives, by mr. Dawson their clerk :

*Mr. President—*

The house of representatives have joined a committee on their

part, agreeable to the request, on the governor's communication relative to the Darien Bank.

They have passed the following bills, to-wit :

A bill to amend an act to establish and regulate district elections in the county of McIntosh.

A bill to admit certain persons to plead and practice in the several courts of law and equity in this State.

A bill to separate and divorce David Cawdle and Rebecca Cawdle his wife.

A bill to authorize the Justices of the Inferior court of Madison county to remit a forfeiture incurred by John Hales and William Stephens.

A bill to amend an act to amend the road Laws of this State, as far as respects the county of Camden—and

A bill for the relief of persons owning improvements on the reserve at the Coweta Falls on the Chatahoochee river.

Mr. Brown of Monroe presented the petition of sundry citizens, inhabitants of Monroe county, praying the incorporation of the Rock-Spring Academy,

Which was read and referred to a committee consisting of messrs. Brown of Monroe, Baber and Ezzard.

Mr. Clayton of Clark presented the memorial of a number of individuals, resident in the counties of Hall and Habersham, praying the formation of a new county out of said counties,

Which was read and referred to a select committee, consisting of messrs. Clayton of Clark, Blair of Habersham and Dunagen.

Mr. Davies had leave to introduce, instantler, a bill to amend the road laws, so far as respects the county of Chatham,

Which was read the first time.

Mr. Gamble notified the Senate, that after to-day he would move for the appointment of a Committee, to prepare and report a bill to ascertain and fix the fees of the public officers of this State, where the same are not already ascertained by law.

Mr. Blair of Lowndes, from the committee appointed, reported a bill to authorise the governor and secretary of State to correct any error that may have taken place, or may hereafter take place, in issuing any grant or grants for any lot or lots of land in any of the land lotteries in this State,

Which was read the first time.

The following bills were read the second time and ordered for a third reading;

A bill to lay off the county of Jackson into school districts, and to vest the free school and academy funds in certain commissioners to be appointed for said districts, and to incorporate the same.

A bill to incorporate the Locust Grove Academy in Warren county.

A bill to establish a toll bridge across the Ohoopie river on the State road leading from Macon to Augusta.

The following bills were read the second time and ordered for committees of the whole;

A bill to amend an act to empower the general court of pleas to

grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenancy in common in this province, and appointing the method of proceeding therein, passed the 20th of March, 1767

A bill to rent certain reserves and improvements in the late acquired territory for the year 1828.

A bill to authorise Sheriff's in certain cases to give immediate possession to fortunate drawers of lots of land drawn by them in the late land lottery.

A bill to amend an act to render easy the mode of conveying lands, and for making valid all deeds and conveyances heretofore that may be deficient in point of form.

A bill for the relief of persons in certain cases, who have purchased any part of the State's interest in lots which have been condemned and sold as fraudulently drawn, within the counties of Bibb, Houston, Crawford, Monroe, Upson, Pike, Henry, Fayette, DeKalb and Newton—and

A bill to divorce Zebulon and Eliza Rudolph.

The following bills were read the third time and passed :

A bill to repeal so much of the 22d section of an act to revise and consolidate the militia laws of this State, and to repeal the cavalry laws now in force, passed the 19th December, 1818, as requires the senior officer present at all courts of Enquiry, to preside.

A bill to alter and amend an act to make permanent the site of the public buildings for the county of Walton, at Monroe, and to incorporate the same.

A bill to amend an act to incorporate Philomathia Academy, and to appoint other commissioners therein named—and

A bill to authorise the next receiver of tax returns for the county of Thomas to receive the tax returns of the citizens of said county, or any other person whose taxes are due the State prior to the year 1827, and to make it the duty of the collector of taxes for the county of Thomas to collect the said taxes.

The bill to pardon Ludwell Watts was made the order of the day for Tuesday next.

The Senate resolved itself into a committee of the whole, Mr. Remson in the chair, on the bill to alter an act to authorize the Clerks, Sheriffs, and other officers in any of the counties in the Southern, Flint, Ocmulgee and Western Circuits, and of the county of Warren, to insert their advertisements in any gazette published in Milledgeville, or within their circuits, and to compel deputy Sheriffs to advertise in the same paper in which his principal shall advertise, passed 17th Dec. 1825.

The President having resumed the chair, Mr. Remson reported the bill with an amendment—The senate took up and agreed to the report, and the bill was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Spann in the chair, on the bill to sell and dispose of the reserved lands in the counties of Houston and Dooly.

The President having resumed the chair, Mr. Spann reported progress and had leave to sit again. The senate took up and agreed to the report.



The Senate resolved itself into a committee of the whole, Mr. Williams in the chair, on the bill to shorten the period within which it is now lawful to institute actions against fraudulent drawers in the last land lottery of this State.

The President having resumed the chair, Mr. Williams reported the bill with an amendment. The senate took up the report, which was amended and agreed to.

The bill was read the third time--and on the question, "Shall this bill now pass?" it was determined in the negative.

The yeas and nays being required, are--yeas 25, nays 35.

Those in the affirmative are, Messrs.

Alexander	Denmark	Munroe
Allen	Dunagen	Powell
Beall	Hawthorn	Remson
Blair of Habersham	Hicks	Scarlett
Brown of Monroe	Holloway	Sellers
Campbell	McDongald	Sledge
Clayton of Clark	Moncrief	Smith
Crawford of Columbia	Moore	Worthy
Crawford of Hancock		

Those in the negative are, Messrs.

Anderson	Groves	Porter
Beber	Harris	Ray
Blackstone	Hendrick	Realls
Blair of Lowndes	Jordan	Scarborough
Burton	Lawson	Spann
Cargille	Leonard	Swain
Cochran	Luckie	Thomas
Cosby	Martin	Walthour
Davies	Maxwell	Williams
Ezzard	McTyre	Wilson
Fulwood	Miller	Wooten
Gamble	Phillips	

Mr. Blair of Habersham, from the committee appointed, reported a bill to place so much of the Unacoi turnpike road as passes through the organized counties of this State under the jurisdiction and control of the road authorities of said counties, and for the relief of the securities of the Unacoi turnpike company,

Which was read the first time.

Mr. Scarlett notified the Senate that after to day, he would move for the appointment of a Committee to prepare and report a bill, to pay all Clerks, Sheriffs, State's Attorney, and Solicitors in this State, their fees on all criminal cases, to be paid out of the county funds where such case may be instituted, where the defendant may be unable to pay the same.

Mr. Swain, from the committee on petitions, presented a report upon the petition of the heirs of Amos Richardson,

Which, on motion, was ordered to lie on the table.

The senate adjourned until to-morrow morning 10 o'clock.

On motion of mr. Crawford of Columbia,

The senate reconsidered so much of their journal of yesterday as relates to the rejection of a bill to shorten the period within which it is now lawful to institute actions against fraudulent drawers in the last land lottery of this State.

Agreeably to notice, mr. Gamble moved for the appointment of a committee to prepare and report a bill to ascertain and fix the fees of the public officers of this State, where the same are not already ascertained by law.

Ordered, that messrs. Gamble, Lawson and Burton be that committee.

Agreeably to notice, mr. Scarlett moved for the appointment of a committee, to prepare and report a bill to pay all Clerks, Sheriffs, State's Attorney and Solicitors in this State, their fees on all criminal cases, to be paid out of the county funds where such cases may be instituted when the defendant may be unable to pay the same.

Ordered, that messrs. Scarlett, Jourdan and Crawford of Hancock be that committee.

Mr. Moore notified the Senate that after to-day he would move for the appointment of a committee to prepare and report a bill to compel the clerks of the Inferior courts in the several counties in this State to advertise all estrays by them to be advertised in three or four particular newspapers in said State, and for other purposes.

Mr. Baber presented the memorial of Luke J. Morgan, which was read and referred to a committee, consisting of messrs. Baber, Davies and Clayton of Clark.

Mr. Davies, from the committee to whom was referred the governor's communication on the subject of a proposition made by the Bank of Darien, through their agent, Doctor James Troup, Reported—

That the legislature accede to said proposition, to-wit : That said Bank, according to its solemn pledge, will pay into the State treasury annually, commencing from the first of January next, one hundred and fifty thousand dollars in the bills of Banks receivable at the treasury, one half of said amount to be paid semi-annually until the whole amount of Darien money now in the Treasury be redeemed.

The report being amended by the addition of the following proviso, viz :

*Provided*, That this resolution shall not bar or prevent any future legislature from making such disposition of the bills of the Darien Bank now in the treasury of the State, as they may deem proper,

Was read and agreed to.

Mr. Gamble presented a proposition of the Ogeechee canal company, relative to the surrender of their charter upon certain conditions,

Which was read and referred to a committee consisting of messrs. Gamble, Layson, Barton, Davies and Denmark.

Mr. Phillips, from the committee to whom was referred a memorial from a number of the citizens of Jasper county, praying the legislature to establish an election precinct to be held at the house of Thomas Childers in said county, Reported--

That they have had the same under consideration, and from the facts submitted to them, they are of the opinion that it would be inexpedient to establish one election district only, in said county-- They therefore recommend the adoption of the following resolution, viz :

*Resolved*, That the petitioners to said memorial have leave to withdraw their memorial,

Which was read and agreed to.

Mr. Harris presented the petition of Jacob Rollison,

Which was read and referred to a committee consisting of Messrs. Harris, Folwood and Brown, of Camden.

Mr. Brown of Monroe, from the committee appointed, reported a bill to incorporate the Rock Spring Academy, and to appoint trustees for the same,

Which was read the first time.

Mr. Coffee, from the committee appointed, reported a bill for the relief of Margaret Smith,

Which was read the first time.

The bill to amend the road laws, so far as respects the county of Chatham,

Was read the second time and ordered for a third reading.

The bill to compensate Petit Jurors, and for other purposes, was read the second time and ordered for committee of the whole, when in motion,

It was ordered also, that 200 copies of said bill be printed for the use of the Legislature.

The senate again resolved itself into a committee of the whole, Mr. Blackstone in the chair, on the bill to lay off and divide the counties of the newly acquired territory, into counties of a proper shape and size.

The president resumed the chair, and Mr. Blackstone reported progress and asked leave to sit again.

The report was taken up and agreed to, and made the order of the day for to-morrow.

The Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, 22d Nov. 1827.

Mr. Moore, agreeably to notice, moved for the appointment of a committee, to prepare and report a bill to compel the clerks of the Inferior courts in the several counties in this State, to advertise all

estrays by them to be advertised, in three or four particular newspapers in said State, and for other purposes.

Ordered, that messrs. Moore, Munroe and Campbell be that committee.

The senate again resolved itself into a committee of the whole, on the bill to lay off and divide the counties of the newly acquired territory into counties of a proper shape and size—mr. Powell in the chair.

The President having resumed the chair, mr. Powell reported the bill with amendments. The senate took up the report by sections,

The 4th section of the bill being read in the following words;

Sec. 4. *And be it further enacted*, That so much of the counties of Muscogee and Lee, as are contained in the following boundaries, to-wit—Beginning at the south-western corner of fraction No. 112, on the Chatahoochee river, thence on the district line dividing the 8th and 19th districts of Muscogee, running an eastwardly course along said district lines to the centre of fraction No. 120 in the 10th dist. of Muscogee county, thence southwardly down the centre of that range of lots to the 5th district line, thence down the dividing line between 128 and 129 to the south-east corner of lot No. 136 in the 32d district of Lee county, thence westwardly along the eastern line of that range of lots, to the north-west corner of fraction 345 on the Chatahoochee river, in the 33d district of Lee county, from thence up the Chatahoochee river to the beginning, shall form one other county called Muscogee;”

When mr. Cosby moved to strike out so much of the same as proposes to add a part of Lee county to the county Muscogee,

And on the question to strike out, it was determined in the negative.

The yeas and nays being required are, yeas 23, nays 42.

Those in the affirmative are Messrs.

Alexander	Cosby	Spann
Anderson	Denmark	Tennille
Blackstone	Dunagen	Tillman
Blair of Habersham	Fullwood	Williams
Blair of Lowndes	Hicks	Wilson
Burton	Powell	Wooten
Clayton of Pulaski	Remson	Worthy
Coffee	Scarlett	

Those in the negative are Messrs.

Allen	Crawford of Hancock	Hoxey
Baber	Davies	Jordan
Beall	Ezzard	Lawson
Brown of Camden	Gamble	Leonard
Brown of Monroe	Groves	Luckie
Campbell	Harris	Martin
Clayton of Clark	Hawthorn	Maxwell
Cochran	Hendrick	McDougald
Crawford of Columbia	Holloway	McTyre

Miller	Ray	Smith
Moncrief	Ryalls	Swain
Moore	Scarborough	Thomas
Munroe	Sellers	Walthour
Phillips	Sledge	Wimberly

On motion to agree to the fourth section as read, it was determined in the affirmative.

The yeas and nays being required, are—yeas 40, nays 24.

Those in the affirmative are, Messrs.

Allen	Harris	Moncrief
Baber	Hawthorn	Moore
Beall	Hendrick	Munroe
Blackstone	Holloway	Phillips
Brown of Camden	Hoxey	Ray
Brown of Monroe	Jordan	Ryalls
Burton	Lawson	Scarborough
Campbell	Luckie	Scarlet
Clayton of Clark	Martin	Sellers
Crawford of Columbia	Maxwell	Sledge
Crawford of Hancock	McDougald	Smith
Davies	McTyre	Thomas
Ezzard	Miller	Wimberly
Gamble		

Those in the negative are, Messrs.

Alexander	Denmark	Swain
Anderson	Dunagen	Tennillo
Blair of Habersham	Fulwood	Tillman
Blair of Lowndes	Groves	Walthour
Clayton of Pulaski	Hicks	Williams
Cochran	Powell	Wilson
Coffee	Remson	Wooten
Cosby	Spann	Worthy

The sixth section of the report was read in the following words, to-wit :

Sec. 6. *And be it further enacted*, That so much of the counties of Lee and Muscogee as are contained in the following boundaries, to-wit: Beginning in the centre of lot No. 120 in the 10th dist. Muscogee, and running southwardly along the county line of Muscogee, to the south-east corner of lot No. 136 in the 32d, Lee county; thence east to the upper corner of fraction No. 145 in the 28th Lee on Flint river; thence up said river to the south-east corner of fraction No. 280 in the 1st Muscogee; thence with the county line of Talbot to the beginning, shall form one other county called "Marion," in memory of Gen. Francis Marion.

On motion of Mr. Crawford of Columbia, to strike out the word "Marion" in said 6th section, it was determined in the negative.

The yeas and nays being required, are, yeas 27, nays 39.

Those in the affirmative are, Messrs.

Allen	Gamble	Moncrief
Baber	Jordan	Munroe
Brown of Camden	Lawson	Ryalls
Burton	Leonard	Scarborough
Clayton of Clark	Luckie	Sledge
Crawford of Columbia	Martin	Thomas
Crawford of Hancock	McDougald	Walthour
Davies	McTyre	Williams
Ezzard	Miller	Wimberly

Those in the negative are, Messrs.

Alexander	Dunagen	Powell
Anderson	Fulwood	Ray
Beall	Groves	Remson
Blackstone	Harris	Scarlett
Blair of Habersham	Hawthorn	Sellers
Blair of Lowndes	Hendrick	Smith
Brown of Monroe	Hicks	Spann
Campbell	Holloway	Swain
Clayton of Pulaski	Hoxey	Tennille
Cochran	Maxwell	Tillman
Coffee	Moore	Wilson
Cosby	Phillips	Wooten
Denmark	Porter	Worthy

On motion of mr. Cosby, to strike out so much of the 6th section as proposes to add a part of Lee county to the county of Muscogee, the yeas and nays being required, it was determined in the negative.

The yeas are 19—the nays are 47.

Those in the affirmative are Messrs.

Anderson	Cosby	Swain
Blackstone	Denmark	Tennille
Blair of Habersham	Dunagen	Tillman
Blair of Lowndes	Hicks	Wilson
Clayton of Pulaski	Powell	Wooten
Cochran	Spann	Worthy
Coffee		

Those in the negative are Messrs.

Alexander	Crawford of Hancock	Hoxey
Allen	Davies	Jordan
Baber	Ezzard	Lawson
Beall	Fulwood	Leonard
Brown of Camden	Gamble	Luckie
Brown of Monroe	Groves	Martin
Burton	Harris	Maxwell
Campbell	Hawthorn	McDougald
Clayton of Clark	Hendrick	McTyre
Crawford of Columbia	Holloway	Miller

Moncrief	Remson	Smith
Moore	Ryalls	Thomas
Munroe	Scarborough	Walthour
Phillips	Sealett	Williams
Porter	Sellers	Wimberly
Ray	Sledge	

On motion to agree to the 6th section, as read, the yeas and nays being required, it was determined in the affirmative.

The yeas are 52—the nays are 11.

Those in the affirmative are, Messrs.

Alexander	Gamble	Phillips
Allen	Harris	Porter
Anderson	Hawthorn	Powell
Baber	Hendrick	Ray
Beall	Holloway	Remson
Blackstone	Hoxey	Ryalls
Blair of Lowndes	Jordan	Scarboro
Brown of Camden	Lawson	Scarlett
Brown of Monroe	Leonard	Sellers
Burton	Luckie	Sledge
Campbell	Martin	Smith
Clayton of Clark	Maxwell	Swain
Crawford of Columbia	McDougald	Thomas
Crawford of Hancock	McTyre	Tillman
Davies	Miller	Walthour
Demark	Moncrief	Williams
Danagen	Moore	Wimberly
Ezzard	Munroe	

Those in the negative are, Messrs.

Clayton of Pulaski	Fulwood	Tennille
Cochran	Groves	Wooten
Coffee	Hicks	Worthy
Cosby	Spann	

Mr. Cosby proposed the following as an additional section to the bill ;

*And be it further enacted,* That so much of the county of Lee as shall be cut off of the following lines, to-wit—Beginning at the N. E corner of lot No. 113 in the 31st district of said county, and running south to the south-east corner of lot No. 153 in the 4th district of said county, shall form one other county, to be called —

When, on motion to disagree thereto, the yeas and nays being required, it was determined in the affirmative.

The yeas are 40—the nays are 23.

Those in the affirmative, are Messrs.

Alexander	Brown of Monroe	Crawford of Hancock
Allen	Clayton of Clark	Davies
Baber	Crawford of Columbia	Ezzard

Gamble	Maxwell	Ryalls
Groves	McDougald	Scarboro
Harris	McTyre	Scarlet
Hawthorn	Miller	Sledge
Holloway	Moncrief	Smith
Hoxey	Moore	Thomas
Jordan	Munroe	Tillman
Lawson	Phillips	Walthour
Leonard	Porter	Wimberly
Luckie	Ray	Worthy
Martin		

Those in the negative are, messrs.

Anderson	Cochran	Sellers
Beall	Coffee	Spann
Blackstone	Cosby	Swain
Blair of Habersham	Fulwood	Tennille
Blair of Lowndes	Hendrick	Williams
Brown of Camden	Hicks	Wilson
Campbell	Powell	Wooten
Clayton of Pulaski	Remson	

The report being agreed to as amended, the bill was read the third time, and on the question 'shall this bill now pass,' it was determined in the affirmative. The yeas and nays being required, are yeas 44, nays 20.

Those in the affirmative are, messrs.

Alexander	Harris	Phillips
Allen	Hawthorn	Porter
Baber	Holloway	Ray
Blackstone	Hoxey	Ryalls
Blair of Lowndes	Jordan	Scarboro
Brown of Camden	Lawson	Scarlet
Brown of Motroe	Leonard	Sellers
Campbell	Luckie	Sledge
Clayton of Clark	Martin	Smith
Clayton of Pulaski	Maxwell	Tillman
Crawford of Columbia	McDougald	Williams
Crawford of Hancock	Miller	Wilson
Davies	Moncrief	Wimberly
Ezzard	Moore	Worthy
Gamble	Munroe	

Those in the negative are Messrs.

Anderson	Fulwood	Spann
Beall	Groves	Swain
Blair of Habersham	Hendrick	Tennille
Cochran	Hicks	Thomas
Coffee	McTyre	Walthour
Cosby	Powell	Wooten
Dunagen	Remson	



The following message was brought from the house of representatives by Mr. Dawson their clerk, informing the senate that

The house of representatives had concurred in the resolution of senate, appointing a committee on their part to join one on the part of the house, to examine the offices of the Secretary of State, Treasurer, Surveyor General, and Comptroller General, and have appointed a committee on their part, consisting of Messrs. Jourdan, Jones, Burnside, Freeman, of Oglethorpe, Byne, Lyman, Bates, Dougherty, Bunn and Loyal.

In the resolution relative to detaining the pay of persons who contract for the carrying the laws and the journals, to the several counties.

In the resolution requesting the senators and representatives in Congress, of this state, to use their exertions to procure the passage of an act of Congress, providing for the copying the documents and papers in the plantation office, and other public offices in England, relating to the early history of Georgia.

In the resolution appointing James H. Couper, of Glynn county, a commissioner of the Altamaha River, in place of Col. John Burnett, of Glynn county, resigned—and

In the resolution appointing James D. Connor, and Duncan McCrimmon, commissioners of the Montgomery Academy.

That the house of representatives have agreed to a resolution making an appropriation of seven hundred dollars, for the purpose of cutting a road from Clarke's Bluff on the Altamaha, to the residence of Benjamin Grooms in the county of McIntosh, to which they desire concurrence—and that

They have passed the following bills, to-wit :

A bill to add the academical fund of Dooly county to the poor school fund of said county.

A bill to create a new division of Georgia militia.

A bill to incorporate the methodist episcopal church in Lexington, Oglethorpe county.

A bill to authorise William Williamson to establish a ferry across Flint River, on his own land—also, to authorise James Hooten to establish a ferry across Flint river, on his own land, in the county of Upson, and regulate the same—and

A bill to compel the clerks of the Superior and Inferior courts of the county of Tattnall to keep their offices at or within one mile of the court-house of said county.

Mr. Blair of Habersham notified the Senate, that after to day he would move for the appointment of a Committee to join such committee as may be appointed by the house of representatives, to take into consideration the propriety of recommending an appropriation for the purpose of enlarging the State-house, and for other purposes, having due regard to the interest of the State.

Mr. Baber notified the Senate that after to day, he would move for the appointment of a Committee to prepare and report a bill, to authorise certain commissioners to establish a lottery for the purpose of raising the sum of fifteen thousand dollars, to be appropriated to the building of a Masonic Hall in the town of Macon.

Mr. Baber also notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill authorising the sales of the reserved lands at Fort Hawkins.

Mr. Porter presented the petition of some of the citizens of Lee county, praying to be annexed to the county of Baker, and had leave thereupon to report, instantly, a bill to add a part of the county of Lee to the county of Baker,

Which was read the first time.

Mr. Swain from the committee appointed, reported a bill to amend the Judiciary of this State, so far as relates to the jurisdiction of Justices of the Peace,

Which was read the first time.

On motion of Mr. Gamble,

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of re-organizing the judicial circuits of this State, and, as nearly as may be, equalize the same, with leave to report by bill or otherwise.

Mr. Gamble from the committee appointed, reported a bill to ascertain and fix the fees of public officers, where the same is not ascertained by law,

Which was read the first time.

On motion of Mr. Clayton of Clark,

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of preventing Judges of the Superior courts from presiding, in cases in which they may have been employed when at the bar, and providing for the trial of the same.

Mr. Baber, from the committee to whom was referred the memorial of Luke J. Morgan, Reported—

That they have had the same under consideration, and are of the opinion that the prayer of the memorialist is reasonable and ought to be granted, and therefore recommend the following resolution :

*Resolved*, That the Sheriff of Bibb county be and he is hereby authorised to suspend all further proceedings in the execution, founded upon a judgment at the instance of the State, against Luke J. Morgan, as security for the payment of the consideration money for fractions Nos. 285 and 292, originally in Baldwin but now in the county of Putnam, and that his excellency the governor be requested to have proceedings instituted against said fractions upon the mortgage, and if said fractions should not produce a sum sufficient to discharge the debt due the State, then for the aforesaid execution against the said Luke J. Morgan to proceed for the balance unpaid,

Which was read, and ordered to lie on the table.

The hon. senator from Monroe county had leave of absence until Tuesday next from the services of this body.

On motion, that the senate do now adjourn, the yeas and nays being required, it was determined in the affirmative.

The yeas are 41--the nays are 19.

Those in the affirmative are Messrs.

Alexander  
Allen

Baber  
Beall

Brown of Monroe  
Burton

Clayton of Clark	Leonard	Rvalls
Cosby	Luckie	Scarboro
Crawford of Columbia	McDeugald	Sellers
Crawford of Hancock	McTyre	Sledge
Davies	Miller	Smith
Ezzard	Moncrief	Thomas
Gamble	Moore	Tillman
Hawthorn	Munroe	Williams
Hendrick	Phillips	Wilson
Holloway	Powell	Wimberly
Hoxey	Ray	Worthy
Jordan	Remson	

Those in the negative, are Messrs.

Anderson	Dunagen	Maxwell
Blair of Lowndes	Folwood	Porter
Campbell	Groves	Spann
Clayton of Pulaski	Harris	Swain
Cochran	Hicks	Tennille
Coffee	Lawson	Wooten
Denmark		

So the Senate adjourned until to-morrow morning; 10 o'clock.

*FRIDAY, Nov. 23d, 1827.*

On motion of Mr. Cosby to reconsider so much of the Journal of yesterday, as relates to the passage of the bill to lay off and divide the counties of the newly acquired territory, into counties of a proper shape and size; the yeas and nays being required—It was determined in the affirmative. The yeas are 39, the nays are 22.

Those in the affirmative are Messrs.

Alexander	Ezzard	Rvalls
Anderson	Fulwood	Scarlett
Beall	Gamble	Sellers
Blackstone	Harris	Smith
Blair of Habersham	Hawthorn	Spann
Blair of Lowndes	Hendrick	Swain
Brown of Camden	Holloway	Tennille
Campbell	Martin	Tillman
Clayton of Pulaski	McTyre	Walthour
Cochran	Miller	Williams
Coffee	Powell	Wilson
Cosby	Ray	Wooten
Denmark	Remson	Worthy
Dunagen		

Those in the negative are Messrs.

Allen	Hicks	Moncrief
Baber	Hoxey	Moore
Crawford of Monroe	Jordan	Munroe
Clayton of Clark	Lawson	Porter
Crawford of Columbia	Leonard	Scarboro
Crawford of Hancock	Luckie	Sledge
Davies	Maxwell	Wimberly
Groves	McDougald	

Agreeably to notice Mr. Blair of Habersham, moved for the appointment of a committee to join such as may be appointed on the part of the House of Representatives for the purpose, of enlarging the State House, and for other purposes, having due regard to the interest of the State. Whereupon the President appointed a committee consisting of messrs. Blair, Clayton of Clark, Baber, McTyre and Groves.

Ordered, that the Secretary do carry forthwith said reference to the House of Representatives for their concurrence.

Agreeably to notice Mr. Baber moved for the appointment of a committee to prepare and report a bill, to authorise certain commissioners to establish a Lottery for the purpose of raising the sum of fifteen thousand dollars to be appropriated to the building of a Masonic Hall in the town of Macon.

Ordered, that messrs. Baber, Clayton of Clark, and Davies be that committee.

Mr. Baber also agreeably to notice, moved for the appointment of a committee to prepare and report a bill authorising the sale of the reserved land at Fort Hawkins.

Ordered, that messrs. Baber, Crawford of Hancock, and Maxwell be that committee.

Mr. Hendrick had leave to report instantler, a bill to alter and amend the 2d section of the 4th article of the constitution of this State, which was read the 1st time.

The honorable Senators from the counties of Jasper, Houston and Bulaski had leave of absence for a few days.

Mr. Moore had leave to report instantler, a bill to authorise certain commissioners therein named to raise by Lottery the sum herein specified for the purpose of building a Masonic Hall in the town of Monroe in Walton county. Which was read the 1st time.

Mr. Holloway from the committee to whom was referred the memorial of John Keener—reported,

Whereas John Keener formerly of Bibb, and now of Upson county, became security for Lawson J. Keener, for the rent of the Ferry across the Ocmulgee river at the town of Macon for the year 1822, for which rent as judgment for more than twenty-one hundred dollars with interest and cost has been recovered against the said John Keener, and whereas the said John Keener has had indulgence extended to him until the 1st day of January next, by paying up eight hundred dollars of the principal of said debt, and all interest and cost due thereon, and giving security to the satisfaction of the Solicitor General of the Flint Circuit for the payment of the balance due on said execution ;

*Be it therefore resolved*, That all further proceedings be stayed on said execution for one year from the 1st day of March next, provided, that the said John Keener do pay by the 1st day of February next, the interest and cost which has accrued on said executions, and three hundred and twenty-five dollars of the principal, and give such additional security as the Solicitor General of the Flint Circuit may require for the absolute security of said debt, which was read and agreed to.

Mr. Hicks had leave to report instanter, a bill to lay off a new county out of the counties of DeKalb, Fayette, Coweta and Carroll, Which was read the 1st time.

Mr. Gamble from the committee to whom was referred a proposition of the Ogeechee navigation company, made a report, which was read and ordered to lie on the table.

Mr. Scarlett from the committee appointed, reported a bill in addition to, and amendatory of an act, to incorporate the Brunswick Canal company, which was read the 1st time.

Mr. Clayton of Pulaski had leave to report instanter, a bill to add a part of the county of Houston to the county of Pulaski. Which was read the 1st time.

On motion of Mr. Clayton of Clark—Resolved, That a committee be appointed to join such as may be appointed on the part of the House of Representatives, to deliver over the books and papers of the present Comptroller General to his successor. Whereupon the President appointed a committee consisting of messrs. Clayton of Clark, Willson, and Crawford of Hancock.

Ordered, that the Secretary do carry forthwith said Resolution to the House of Representatives for their concurrence.

Mr. McDougald presented the petition of John Wimberly and Sowell Woolfolk, which was read and with its accompanying documents referred to a committee consisting of messrs. McDougald, Davies and Hoxey.

Mr. Gamble had leave to report instanter, a bill to appoint additional trustees for the Academy of Jefferson county, and to add a part of the poor school fund of that county to the funds of that Academy. Which was read the 1st time.

On motion, the Senator from Henry county was added to the committee on petitions, and

The Senator from Clark county to the committee on free schools and public education.

Mr. Clayton of Clark from the Judiciary Committee, reported the following bills :

A bill to amend an act entitled an act to compel the Judges of the Superior Courts of this State, to convene at the seat of Government in this State once in each year, for the purpose of establishing uniform rules of practice throughout this State, passed the 24th day of December, 1821, and also to authorise said Judges to decide questions of Law reserved by them or either of them on their several circuits, and to make such decisions binding and obligatory upon the said several Judges.

A bill to carry into effect the 8th section of the 3d article of the constitution, and

A bill to alter and amend the 1st section of the 3d article of the constitution of the State of Georgia, which were severally read the 1st time.

The Senate took up the messages of the House, and the resolution making an appropriation of seven hundred dollars for the purpose of cutting a road from Clarke's Bluff on the Altamaha, to the residence of Benjamin Grooms in the county of McIntosh, in the message of yesterday was read and disagreed to.

The bills therein contained were severally read the 1st time.

The following message was brought from the House of Representatives by their Clerk, Mr. Dawson, informing the Senate that

The House of Representatives had agreed to a resolution appropriating two thousand dollars for repairing, painting and furnishing the Government house, &c., and that they had passed the following bills, to wit :

A bill to alter and amend the road law of this State, so far as relates to the counties of Burke and Laurens.

A bill to change the time of holding the Inferior Court of Decatur county.

A bill for the relief of certain drawers in the recent land lottery.

A bill to amend the several acts relative to the establishment and regulation of election districts in the county of Gwinnett, and

A bill to require the Sheriffs and Clerks of the county of Gwinnett to advertise in some one of the public Gazettes of Milledgeville.

The following bills were read the 2d time, and ordered for committees of the whole—

A bill to incorporate the Rock Spring Academy, and to appoint trustees for the same.

A bill for the relief of Margaret Smith.

A bill to add a part of the county of Lee to the county of Baker.

A bill to place so much of the Unacoi Turnpike road as passes through the organised counties of this State under the jurisdiction and control of the road authorities of said counties, and for the relief of the securities of the Unacoi Turnpike Company.

A bill to authorise the Governor and Secretary of State, to correct any error that may have taken place or may hereafter take place in issuing any grant for any lot or lots of land in any of the Land Lotteries of this State.

A bill to ascertain and fix the fees of Public officers where the same is not ascertained by law.

A bill to amend the Judiciary of this State so far as relates to the jurisdiction of Justices of the peace.

The following bills were read the third time and passed :

A bill to amend the road laws so far as respects the county of Chatham.

A bill to lay off the county of Jackson into school districts, and vest the free school and Academy funds in certain commissioners to be appointed for said districts, and to incorporate the same.

A bill to incorporate the Locust Grove Academy in Warren county.

A bill to establish an additional place of holding elections in the county of Tattnall.

A bill to establish a toll bridge across the Ochoopee river, on the State road leading from Macon to Savannah—and

The bill for the relief of the securities of Wm. Hopkins.

The yeas and nays being required, it was determined in the affirmative.

The yeas are 35, the nays 23.

Those in the affirmative are, Messrs.

Alexander	Denmark	Porter
Allen	Dunagen	Powell
Anderson	Ezzard	Remson
Beall	Fulwood	Sellers
Blair of Habersham	Groves	Spann
Blair of Lowndes	Harris	Swain
Brown of Camden	Hendrick	Tennille
Campbell	Hicks	Tillman
Clayton of Clark	Holloway	Wimberly
Clayton of Pulaski	Lawson	Wooten
Cochran	McTyre	Worthy
Gosby	Moore	

Those in the negative are, Messrs.

Blackstone	Luckie	Ryalls
Crawford of Columbia	Martin	Scarborough
Crawford of Hancock	Maxwell	Sledge
Davies	McDougald	Smith
Gamble	Miller	Walthour
Hawthorn	Moncrief	Williams
Hoxey	Munroe	Wilson
Jordan	Ray	

The Senate adjourned until to-morrow morning 10 o'clock

SATURDAY, Nov. 24th, 1827.

On motion of Mr. Powell,

The senate reconsidered so much of the journal of yesterday as relates to the disagreement of senate in the resolution of the house of representatives, appropriating seven hundred dollars, to cut a road from Clarke's bluff on the Altamaha, to the residence of Benjamin Grooms in the county of McIntosh.

The hon. senator from the county of Bibb had leave of absence for to-day.

Mr. Crawford of Columbia, from the Bank committee, reported a bill to amend an act entitled an act to amend an act to establish and incorporate an Insurance company in the city of Savannah, to be called the Marine and Fire Insurance Company of the city of Savannah.

and, to grant banking powers to the same, passed on the 20th day of December, 1825,

Which was read the first time.

Mr. Crawford of Columbia also presented the petition of Thomas White, a revolutionary soldier,

Which was read and referred to a committee, consisting of messrs. Crawford of Columbia, Williams and Hendrick—and

The petition of James Cartledge, administrator of Ayres Cartledge, dec'd, of Columbia county,

Which was also read and referred to a committee, consisting of messrs. Crawford of Columbia, Ray and Ryalls.

Mr. Beall presented the petition of Isaac Hall, late tax collector for the county of Wilkinson,

Which was read, and with its accompanying vouchers, referred to the committee on Petitions.

Mr. Denmark presented the petition of James Bennett of Bulloch county,

Which was read and referred to a committee; consisting of messrs. Denmark, Tennille and Coffee. •

Mr. Sellers had leave to report, instantler, a bill more effectually to define the method of perfecting service on persons whose draws have or shall be returned as fraudulently given in and drawn within the late purchase, including the counties of Lee, Muscogee, Troup, Coweta and Carroll,

Which was read the first time.

Mr. Scarlett laid on the table the following resolution :

*Resolved*, That the service of the State's Engineer be authorised and employed in surveying the port and harbor and the route of the contemplated canal of Brunswick, when it shall be required of him by the Brunswick canal company during the next year, provided, at the time of requiring his services, he is not engaged in some other important duties of his office.

Mr. Cochran notified the senate, that after to day he would move for the appointment of a Committee to prepare and report a bill, to lay off the newly acquired territory into brigades, and to attach it to the division adjoining the same.

The bill to lay off and divide the counties of the newly acquired territory into counties of a proper shape and size, on motion, was made the order of the day for Wednesday next.

Mr. Clayton of Clark, from the committee appointed to deliver over the papers, &c. in the Comptroller General's office, to the officer lately elected, reported the following resolution :

*Resolved*, That the former Comptroller General be permitted to retain in his possession the bonds and notes in his office for the purpose of making out a schedule of the same, and obtaining from his successor a receipt therefor, at the same time allowing his successor access to any bond, upon which application may be made for payment by any of the obligors, and for this service, said former Comptroller General receive such sum as the same may be worth,

Which was read and agreed to.



Ordered, that the Secretary carry said resolution forthwith to the house of representatives for their concurrence.

On motion of Mr. Crawford of Columbia,

*Resolved*, That a committee be appointed, to join such committee as may be appointed on the part of the house of representatives, to count and deliver over the money in the treasury to Hines Holt, Esq. Treasurer elect, that may be received from James Bozeman, Esq. late Treasurer ;

Whereupon,

The President appointed a committee, consisting of messrs. Crawford of Columbia, Davies, Ezzard, Wilson and Beall.

Ordered, that the secretary do carry, forthwith, said resolution to the house of representatives for their concurrence.

The following bills were read the second time and ordered for a third reading ;

The bill to authorise certain commissioners therein named to raise by lottery the sum therein specified, for the purpose of building a Masonic Hall in the town of Monroe, Walton county--and

The bill in addition to and amendatory of an act to incorporate the Brunswick canal company.

The following bills were read the second time and ordered for committees of the whole ;

A bill to alter and amend the 2d section of the 4th article of the constitution of this State.

A bill to appoint additional Trustees for the Academy of Jefferson county, and to add a part of the poor school fund of the county to the funds of that academy.

A bill to lay off a new county out of the counties of DeKalb, Fayette, Coweta and Carroll.

A bill to add a part of the county of Houston to the county of Iaski.

A bill to carry into effect the 8th section of the 3d article of the constitution.

The bill to alter and amend the 1st section of the 3d article of the constitution of the State of Georgia, and

The bill to amend an act entitled an act to compel the Judges of the Superior courts of this State to convene at the seat of government in this State once in each year, for the purpose of establishing uniform rules of practice throughout this State, passed the 24th day of Dec. 1821,

Were read the second time, ordered for committee of the whole and 200 copies of each directed to be printed for the use of the legislature.

The Senate resolved itself into a committee of the whole, on a bill to extend the time for fortunate drawers in the land lottery of 1818, 1819 and 1821 to take out their grants ; Mr. Brown of Columbia in the chair.

The President resumed the chair, and Mr. Brown reported progress and had leave to sit again.

The senate took up the report of the committee of the whole

he bill to compel all persons who do or may hereafter own settled plantations and negroes in the county of Bryan, to make their tax returns and pay their taxes annually in said county, which was read and agreed to.

The bill was read the third time and passed.

The following message was brought from the house of representatives by mr. Dawson their clerk:

*Mr. President—*

The house of representatives have concurred in the resolution of senate, appointing a committee on their part to enquire into the expediency of enlarging the State-house, and have joined a committee on their part, consisting of messrs. Howard of Baldwin, Bates, Holt of Richmond, Tait, Lamar, Kenan and Shorter.

And in the resolution appointing a committee to see the papers and books of the Comptroller General delivered over to his successor, and have appointed a committee on their part, consisting of messrs. Burnside, Lawhon, Watson of Baldwin, Meroney and Williams.

They have passed a bill for the relief of the securities of William Reid, one of the district surveyors of the late acquired territory.

They have concurred in the resolution of senate, appointing a committee to count and deliver over to Hines Holt, Esq. Treasurer elect, the money in the treasury, and have joined a committee on their part, consisting of messrs. Hull of Clark, Stites, Wafford, Mills, Jones, Curry and Flewellen.

The senate resolved itself into a committee of the whole, on the bill to add a part of Hancock county to the county of Baldwin—mr. Walthour in the chair.

The President resumed the chair, and mr. Walthour reported the bill without amendment.

Ordered, that the report lie on the table.

The senate adjourned until Monday morning 10 o'clock.

MONDAY, 26th Nov. 1827.

Agreeably to notice, mr. Cochran moved for the appointment of a committee, to prepare and report a bill to lay off the newly acquired territory into brigades, and to attach it to the division adjoining the same.

Ordered, that messrs. Cochran, Sledge and Mc Dougald be that committee.

Mr. Gamble had leave to report, instantler, a bill to amend the laws of this State.

Which was read the first time.

On motion of mr. Crawford of Columbia,

Resolved, That the printing committee cause to be printed three hundred copies of the Treasurer and Comptroller General's Re-

Ordered, that the secretary carry it forthwith to the house & representatives for their concurrence.

The following bills were read the 2d time, and ordered for committee of the whole ;

A bill to amend an act entitled an act to amend an act entitled an act to establish and incorporate an Insurance company in the city of Savannah, to be called the Marine and Fire Insurance Company of the city of Savannah, and to grant banking powers to the same, passed the 20th of Dec. 1825—and

A bill more effectually to define the method of perfecting service on persons whose draws have been returned as fraudulently given in and drawn within the late purchase, including the counties of Lee, Muscogee, Troup, Coweta and Carrol.

The bill to authorise certain commissioners therein named to raise by lottery the sum therein specified, for the purpose of building a Masonic Hall in the town of Monroe, Walton county,

Was read the third time and passed.

The senate resolved itself into a committee of the whole on the bill to lay out a town on the reserve at the Coweta Falls on the Chatahoochee river, and to dispose of the same—mr. Moncrief in the chair.

The President resumed the chair, and mr. Moncrief reported the bill with amendment.

Ordered, that the report lie on the table.

The senate resolved itself into a committee of the whole on the bill to authorise James A. Dunlap, of the town of Quincy in the county of Gadsden, of the territory of Middle Florida, to plead and practice law in the several courts of law and equity in this State—mr. Blair of Lowndes in the chair.

The President having resumed the chair, Mr. Blair reported the bill with amendment—The senate took up and agreed to the report.

The caption being amended, the bill was read the third time and passed, under the title of "a bill to authorise James A. Dunlap, of the town of Quincy in the county of Gadsden, territory of Middle Florida, and Edgar Macon of Tallahassee, to plead and practice law, as Attorneys, Counsellors and Solicitors, in the several courts of law and equity in this State.

The senate resolved itself into a committee of the whole on the bill to compel Justices of the Peace in this State to give bond and security—mr. Hoxey in the chair.

The President resumed the chair, and mr. Hoxey reported disagreement to the bill. The senate took up the report, and on motion to agree thereto, the yeas and nays being required, it was determined in the affirmative.

The yeas are 40—the nays are 19.

Those in the affirmative, are Messrs.

Alexander

Allen

Anderson

Blackstone

Blair of Habersham

Blair of Lowndes

Brown of Camden

Burton

Coffee

Cosby

Davies

Denmark

Dunagen	Moore	Spanu
Fulwood	Munroe	Swain
Groves	Powell	Tennille
Harris	Ray	Thomas
Hawthorn	Remson	Tillman
Hicks	Ryalls	Walthour
Martin	Scarlet	Williams
Maxwell	Sellers	Wooten
Miller	Sledge	Worthy
Moncrief		

Those in the negative are, messrs.

Beall	Holloway	McDougald
Clayton of Clark	Hoxey	McTyre
Crawford of Columbia	Jordan	Scarboro
Crawford of Hancock	Lawson	Smith
Ezzard	Leonard	Wilson
Gamble	Luckie	Wimberly
Hendrick		

The senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, 27th Nov., 1827.

Mr. Hendrick had leave to report instantler, a bill to establish an additional election district at the house of Luke Roberts, in the county of Jones, which was read the 1st time.

On motion of Mr. Burton—*Resolved*, That his Excellency the Governor be requested to purchase two copies of the Georgia Justice and two copies of Prince's Digest, and have them transmitted to the Justices of the Inferior Court of Effingham county for the use of said county, and the same be paid out of the contingent fund.

Mr. Scarlett from the committee appointed, reported a bill to provide for the payment of cost and fees of the Attorney, Solicitor General, Sheriff and Clerks of the Superior Court, and other Courts having jurisdiction, in criminal cases, in certain cases, which was read the 1st time.

Mr. Davies presented the petition of Abner Bartlett, which was read and referred to a committee consisting of messrs Davies, Powell and Beall.

Mr. Allen from the committee on Agriculture and Internal Improvement, reported a bill to prescribe a permanent system of Internal Improvement, which was read the 1st time.

The bill to pardon Ludwell Watts of Butts county, was read the third time, and on the question shall this bill now pass? The yeas and nays being required, it was determined in the negative. The yeas are 18, the nays are 47.

Those in the affirmative are Messrs.

Allen	Gamble	Powell
Baber	Harris	Remson
Blair of Habersham	Hawthorn	Scarboro
Brown of Camden	Hoxey	Scarlet
Clayton of Clark	Janes	Spann
Coffee	Luckie	Tennille

Those in the negative are Messrs.

Alexander	Fulwood	Phillips
Anderson	Groves	Ray
Beall	Hendrick	Ryalls
Blackstone	Hicks	Sellers
Blair of Lowndes	Holloway	Sledge
Brown of Monroe	Jordan	Smith
Burton	Lawson	Swain
Cargille	Leonard	Thomas
Cochran	Martin	Tillman
Cosby	Maxwell	Walthour
Crawford of Columbia	McDougald	Williams
Crawford of Hancock	McTyre	Wilson
Davies	Miller	Wimberly
Denmark	Moncrief	Wooton
Dunagen	Moore	Worthy
Ezzard	Munroe	

The following message was received from the Governor by Mr. Pierce his Secretary—

Mr. President—His Excellency the Governor has approved and signed the following resolutions, viz—

One requesting the Senators and Representatives from Georgia in the Congress of the United States, to use their exertions to procure the passage of an act providing for copying the documents and papers in the plantation office, and other public offices in England, relating to the early history of Georgia.

One appointing James G. Conner and Duncan McCrimmon commissioners of Montgomery county Academy, and

One appointing James Hamilton Couper of Glynn county, a commissioner of the Alatomaha River in place of Col. John Burnett—

Also the following written communication—

EXECUTIVE DEPARTMENT, }  
Nov. 26, 1827.

A resolution originating in the Senate, agreed to by that body on the 19th inst., and by the House of Representatives on the 20th, relating to the payment of persons who may be employed to distribute to the different counties the Laws and Journals of each session of the General Assembly, was laid before me on the 24th.

The existing law requires the delivery of the Laws of each session to the Justices of the Inferior Court to be by them distributed. The resolution authorises a delivery to the Clerk of the Superior Court, an officer not amenable to the Justices of the Inferior Court, and not bound or authorised to receive papers directed to them.

The resolution proposes to fix the 1st day of May, as the period

within which the Laws and Journals *shall be delivered*—"the 1st day of May," is understood to mean, the 1st day of May succeeding the adjournment of the session of each General Assembly. If the General Assembly *always* met at the same time of the year and *always* continued in session the same number of days, a sufficient time would elapse from the adjournment to the 1st of May, for the printing and distribution of the Laws and Journals. But as this is not the case, a precise day of the year cannot be fixed upon, without in some instances giving too much time, and in others too little, for effecting those purposes. A very serious inconvenience would arise, should the Executive be prevented from ordering and paying for the distribution, if not made by a given day.

Unavoidable accidents in the printing offices by fire, to the persons employed in the printing of the Laws and Journals, or transportation of them when finished, by death or sickness, might render the distribution of them by a given day impracticable. The consequence would be, that the important information required to be diffused through the State, would be withheld from the people until the intervention of another session of the General Assembly. For these reasons the resolution of the General Assembly herewith returned is disapproved.

Signed,

JOHN FORSYTH.

Which was read and ordered to lie on the table.

Mr. Crawford of Columbia from the committee to whom was referred the petition of James Cartledge, Administrator of Ayres Cartledge, dec, who was tax collector for the county of Columbia, in the year 1825—reported,

That they find upon an examination of the documents referred to their consideration, that the said Ayres Cartledge had in 1826, collected a large portion of the taxes due by the citizens of the county aforesaid; that the said Ayres Cartledge departed this life in the month of August 1826; that during the illness of the said Ayres Cartledge, the whole of the money collected by him was stolen.—And by an act of the Legislature passed the 30th day of November last, an indulgence was granted to the administrator of the said Ayres Cartledge, dec., under certain conditions and stipulations expressed in said act. And the said James Cartledge administrator of the estate of the said Ayres Cartledge, having again by his petition prayed a further indulgence for the payment of the taxes collected by the said Ayres Cartledge in his life time and now due the Treasury of the State for the following reasons, to wit:—That the said administrator had sold the real and personal property of the deceased, on a short credit, with the hope of making collections to enable him to comply with the provisions of the before recited act, in which hope he has been disappointed, as he has been under the necessity of resorting to the Courts of Justice to enforce the collection of money due the said estate, and from the total failure of the Superior Court in September last, in the county aforesaid he has been unable to make such collections as will enable him to comply with the provisions of the act aforesaid.

Your committee therefore recommend the adoption of the following resolution:

*Resolved*, That all further proceedings be suspended against the said James Cartledge administrator of the said Ayres Cartledge, deceased, for and on account of money collected by the deceased in his life time from the citizens of the county aforesaid, and due the Treasurer of the State of Georgia, until the 1st day of December 1828.—Provided, that the said James Cartledge administrator aforesaid, shall on or before the 25th day of December next, file his bond in the Comptroller General's office payable to his Excellency the Governor and successors in office, with good and sufficient security, conditioned for the payment of the taxes or such part as may then appear due, & collected by the deceased in his life time as aforesaid, on or before the 1st day of December, 1828, with lawful interest on the same from the time the same should have been paid into the Treasury, which was read and agreed to.

Ordered, that the Secretary do carry said report and resolution to the House of Representatives for their concurrence.

The bill to amend the rent laws of this State was read the second time, and ordered for committee of the whole.

The Senate took up and agreed to the report, on the bill to add a part of Hancock county to the county of Baldwin, and on the question 'shall this bill pass,' the yeas and nays being required, it was determined in the affirmative. The yeas are 39—the nays are 22.

Those in the affirmative are Messrs.

Allen	Harris	Ramson
Beall	Hawthorn	Ryalls
Blair of Habersham	Hicks	Scarborough
Blair of Lowndes	Holloway	Searlett
Brown of Camden	Janes	Smith
Brown of Monroe	Lawson	Spann
Burton	Luckie	Swain
Cargille	Martin	Tennille
Cochran	Maxwell	Tillman
Davies	Moore	Williams
Ezzard	Munroe	Wimberly
Gamble	Phillips	Worthy
Groves	Porter	

Those in the negative are Messrs.

Alexander	Denmark	Moncrief
Anderson	Dunagen	Powell
Baber	Fulwood	Ray
Blackstone	Hendrick	Sellers
Clayton of Clark	Hoxey	Walthour
Coffee	Jordan	Wilson
Crawford of Columbia	Leonard	Wooten
Crawford of Hancock	Miller	

The following message was received from the house of representatives, by Mr. Dawson their clerk :

*Mr. President—*

The House of Representatives have passed the following bills, to-wit—

A bill to incorporate the trustees of the Masonic Hall in the city of Augusta—and

A bill to incorporate the Presbyterian Church in Lexington.

The house of representatives have concurred in the report of senate on the Governor's communication, on the subject of a proposition made by the Bank of Darien through their agent Doctor James Troup.

The senate took up, amended and agreed to the report on the bill to lay out a town on the reserve at the Coweta Falls on the Chatahoochee river, and to dispose of the same.

The bill was read the third time and passed, under the title of "A bill to lay out a town on the reserve at the Coweta Falls, on the Chatahoochee river, and to dispose of the same, and to name said town."

The Senate resolved itself into a committee of the whole, on the bill to extend the time for fortunate drawers in the land lotteries of 1818, 1819, and 1821 to take out their grants—mr. Lawson in the chair.

The president having resumed the chair, mr. Lawson reported the bill with amendment.

Ordered; that the report lie on the table.

The Senate resolved itself into a committee of the whole, on the bill for the relief of the present trustees of the poor school fund of Henry county—Mr. Martin in the chair. The President having resumed the chair, Mr. Martin reported progress and had leave to sit again.

The Senate adjourned until to-morrow morning ten o'clock.

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WEDNESDAY, 28th Nov. 1827.

On motion of mr. Blair of Habersham, to reconsider so much of the journal of yesterday as relates to the rejection of the bill to pardon Ludwell Watts of Butts county—the yeas and nays being required, it was determined in the affirmative.

The yeas are 41—the nays are 22.

Those in the affirmative are, Messrs.

Alexander	Clayton of Clark	Hicks
Allen	Coffee	Holloway
Beall	Cosby	Hoxey
Blackstone	Crawford of Hancock	Janes
Blair of Habersham	Ezzard	Jordan
Blair of Lowndes	Fulwood	Luckie
Brown of Camden	Gamble	McDougald
Burton	Harris	Miller
Cargille	Hawthorn	Moncrief



Monroe  
Porter  
Remson  
Ryalls  
Scarborough

Scarlet  
Sledge  
Spann  
Swain

Tennille  
Thomas  
Wooten  
Worthy

Those in the negative are, Messrs.

Anderson  
Brown of Monroe  
Crawford of Columbia  
Davies  
Denmark  
Dunagen  
Groves  
Hendrick

Lawson  
Leonard  
Martin  
Maxwell  
McTyre  
Moore  
Phillips  
Powell

Ray  
Smith  
Tillman  
Walthour  
Williams  
Wilson  
Wimberly

Mr. Baber, from the committee appointed, reported a bill to authorise certain commissioners therein named to establish a lottery, for the purpose of raising the sum of fifteen thousand dollars, to be appropriated to the building of a Masonic Hall in the town of Macon.

Which was read the first time.

Mr. Baber also, from the joint committee on Agriculture and Internal Improvement, to whom was referred the documents relating to the improvement of the navigation of the Ocmulgee river from Macon to its junction with the Oconee river, made a Report,

Which was read and ordered to lie on the table.

Mr. Swain, from the committee to whom was referred the petition of Archibald Henderson, of Henry county, Reported—

That they have had the same under consideration, and are of opinion that the said Henderson, having not only furnished his wagon and team, but rendered his personal services to Georgia, at a time when the same was loudly called for, in order to sustain her cause as a colony, against the common foe, he ought by the State to be compensated. They therefore recommend the following resolution :

*Resolved*, That the sum of three hundred dollars be allowed to Archibald Henderson, for services rendered to Georgia during the revolutionary war, and that the same be placed in the appropriation laws of the present session,

Which was read and ordered to lie on the table.

Mr. Crawford of Columbia, from the committee to whom was referred the petition of Thomas White of Columbia county, Reported—

That it appears from the documents accompanying the petition, that the said Thomas White faithfully served his adopted country, as a quarter-master and soldier, in the revolutionary war in the State of Georgia—that he lost a valuable horse at the battle of Burke Jail, which was captured by the British and Tories, and that the said Thomas White has received no compensation for his services as a soldier, or the loss of his horse—Your committee therefore believe that the claim of the said Thomas White is just, equitable and rea-

onable, and that the prayer of the petitioner ought to be granted. They therefore recommend the adoption of the following resolution:

*Resolved*, That the sum of        hundred dollars be allowed the said Thomas White for his services as a quarter-master and soldier in the revolutionary war, and for a horse captured by the enemy at the battle of Burke jail, and that the same be provided for in the appropriation law.

Which was read and ordered to lie on the table.

Mr. Davies, from the committee to whom was referred the petition of Abner Bartlett, Reported—

That it appears very satisfactorily, that in the year 1806 the petitioner purchased at public sales a fraction of land, No. 28 in the 4th district of Wilkinson, supposed to contain twenty and an half acres, for which he contracted to pay the sum of two hundred and twenty-five dollars in four equal annual instalments, with interest, which he has paid, making in the whole two hundred and thirty-eight dollars and fifty cents, (exclusive of four dollars paid for the grant) fifty-seven dollars and fifty cents of which was paid on the 23d December, 1807, and the balance of one hundred and eighty-one dollars was paid on the 23d July, 1810. It seems also to your committee, from the evidence furnished by the documents accompanying the petition, that in fact there is no such fraction of land, the whole of that represented as a fraction being embraced in lot No. 314 in the 4th district of Wilkinson, except perhaps about one half of an acre.—Under such circumstances, your committee believe that the claim of the petitioner is founded in strict justice, and recommend the adoption of the following resolution:

*Resolved*, That the sum of two hundred and forty-two dollars and fifty cents, with interest on \$57 50 cents from the 23d Dec. 1807, and on \$185 from the 23d July, 1810, is justly due to Abner Bartlett, and that provision be made in the appropriation law for the payment of the same,

Which was read and ordered to lie on the table.

Mr. Blair of Lowndes presented the petition of a number of the citizens of Lowndes county, praying a division of said county.

Which was read and referred to a committee, consisting of messrs. Blair, Ray and Fulwood.

Mr. Ezzard notified the Senate, that after to day he would move for the appointment of a committee to prepare and report a bill, to incorporate the Presbyterian Church in the town of Decatur, DeKalb county, and to appoint trustees for the same.

Mr. Ezzard also presented the petition of Robert Corry, a revolutionary soldier,

Which was read and referred to a committee, consisting of messrs. Ezzard, Powell and Moore.

Mr. Groves had leave to report, instantler, a bill to alter and amend the road laws, so far as respects the county of Madison,

Which was read the first time.

Mr. McTyre presented the petition of a number of the citizens of

Richmond county, praying the establishment of an additional Bar in the city of Augusta,

Which was read and referred to a committee, consisting of Messrs. McTyre, Gamble and Wimberly.

The senate took up, and, on motion of Mr. Powell, recommitted the bill for the division of the late acquired counties of Carrol, Coweta, Troup, Muscogee, and Lee, into counties of a proper shape and size, to a committee of the whole—whereupon,

The senate resolved itself into a committee of the whole, on the bill—Mr. Powell in the chair.

The President having resumed the chair, Mr. Powell reported the bill without amendment. The senate took up and agreed to the report. The bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to lay out and form a new county out of the counties of DeKalb, Fayette, Coweta and Carrol, Mr. Hendrick in the chair,

Mr. Clayton of Clark acting as President, having resumed the chair, Mr. Hendrick reported disagreement to the bill. The senate took up, and on motion to agree to the report,

The yeas and nays being required, are—yeas 31, nays 31.

Those in the affirmative are Messrs.

Allen	Gamble	McTyre
Anderson	Groves	Moncrief
Baber	Holloway	Phillips
Blair of Habersham	Janes	Ray
Brown of Camden	Jordan	Scarlett
Brown of Monroe	Lawson	Thomas
Burton	Leonard	Tillman
Crawford of Columbia	Luckie	Walthour
Crawford of Hancock	Martin	Williams
Denmark	Maxwell	Wimberly
Dunagen		

Those in the negative are Messrs.

Beall	Hendrick	Ryalls
Blackstone	Hicks	Scarborough
Blair of Lowndes	Hoxey	Sledge
Cargille	McDougall	Smith
Cochran	Miller	Spann
Gosby	Moore	Swain
Davies	Munroe	Tennille
Ezzard	Porter	Wilson
Fullwood	Powell	Wooten
Harris	Remson	Worthy
Hawthorn		

Mr. Clayton of Clark, acting as President, voting in the affirmative, the report was agreed to.

The bill to establish and regulate an additional election district the house of Luke Roberts, in the county of Jones, Was read the second time, and ordered for a third reading.

The President of senate had leave of absence for the remainder of the week.

The senator from Telfair, the remainder of the week.

The senator from Burke, after Thursday next, for two days.

And the senator from Morgan, after to-day, for a few days.

Mr. Scarlett laid on the table the following resolution :

*Resolved*, That the unsettled accounts of William Scott, jr. the former tax collector of Camden county, be referred to and settled by the verdict of a Jury, in the Superior court of said county, under the directions of the said court, and who shall be authorised to admit such testimony as may be offered for the promotion of strict justice.

The following communication was received from the Governor

Mr. Pierce his Secretary—

EXECUTIVE DEPARTMENT, GA., }

Nov. 28th, 1827. }

By an act of the provincial assembly of the 25th of March, 1763, the land annexed to the province of Georgia by the King's proclamation of the 7th of October, 1763, and included in his commission to sir James Wright, bearing date the 20th day of January, 1764, was divided into parishes. The most southern parish that of St. Marys, was declared to be bounded on the Florida side by the most southern branch of St. Marys River, and by a line running West from the head of the said river. The constitution of 1788, united the parish of St. Marys to the adjoining parish of St. Thomas, and formed of the two the county of Camden. No changes since been made in the southern boundary of that county. Under these provisions and the various acts for opening the land of Georgia, and for the better settling and strengthening the State, since the recent ascertainment of the fact, that the source of the river St. Marys is to be found in the head spring or lake from whence issues the most southern branch of that river, a question of some importance to the State presents itself. Is not the land lying between the Northern and Southern branches of the St. Marys, subject to be surveyed as part of Camden county, and granted to individuals who have not heretofore obtained, what are familiarly termed head rights? To prevent those inconveniences which would arise from any attempt to bring this question before our Courts of justice, I recommend to the General Assembly to prohibit any surveys in the section of country around the sources of the St. Marys, until the boundary line between the State and Florida is strictly marked and surveyed and grants authorised by future legislation. It is known that a portion of land lying within the limits of Georgia on the Florida frontier, has been surveyed by the United States under a mistaken belief that it formed part of the property of the Union. Some of it may have been sold and granted by the General Government. In the review of their act passed on the subject of the Florida boundary line, Congress will be embarrassed by the obligations contracted to the purchasers of these lands. I recommend the passage of an act to make valid the grants made by the United States, on the condition that the United States assumed within a limited time the payment to Georgia, of the amount

due by, or received from the grantees. The act to be confined in its operation, to lands already sold. This step will place it in the power of the United States, to do justice to the State without the slightest injury to any individual, and without creating onerous claims upon the public Treasury, and cannot fail to be received, as an evidence of our anxiety, in asserting our rights of soil and sovereignty, to consult as far as practicable the interest and the convenience of the Union.

Signed,

JOHN FORSYTH.

Which was read and referred to the committee on the State of the republic.

The Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, 29th Nov. 182

On motion of Mr. Blair of Habersham,

The hon. senator from the county of Clark was called to the chair, and the members of the senate proceeded, by ballot, to the choice of a President pro tem. to supply the temporary vacancy occasioned by the absence of the President of the senate.

On counting the votes, it appeared that the honorable Allen B. Powell, of the county of McIntosh, was duly elected.

On motion of Mr. Hicks, to reconsider so much of the journal of yesterday as relates to the proceedings of the senate on the bill to lay out and form a new county out of the counties of DeKalb, Fayette, Coweta and Carroll; it was determined in the affirmative.

The yeas and nays being required are, yeas 34, nays 25.

Those in the affirmative are, Messrs.

Alexander	Groves	Ryalls
Beall	Harris	Scarborough
Blackstone	Hawthorn	Scarlett
Blair of Habersham	Hendrick	Sellers
Blair of Lowndes	Hicks	Sledge
Brown of Camden	Hoxey	Smith
Cargille	Miller	Spann
Cochran	Moore	Swain
Cosby	Mumroe	Tennille
Davies	Porter	Wooten
Ezzard	Remson	Worthy
Fulwood		

Those in the negative are, Messrs.

Allen	Clayton of Clark	Holloway
Anderson	Crawford of Columbia	Janes
Baber	Crawford of Hancock	Jordan
Brown of Monroe	Denmark	Lawson
Burton	Gamble	Leonard

Luckie  
McTyre  
Moncrief

Phillips  
Ray  
Thomas

Tillman  
Walthour  
Williams

Agreeably to notice, Mr. Ezzard moved for the appointment of a committee, to prepare and report a bill to incorporate the Presbyterian Church in the town of Decatur, DeKalb county, and to appoint trustees for the same.

Ordered, that Messrs. Ezzard, Hoxey and Sellers be that committee.

Mr. Swain had leave to report, instant, a bill to repeal an act entitled an act to lay off the counties of Emanuel and Tattnall into election districts, passed the 9th of Dec. 1824, so far as the same relates to the county of Emanuel,

Which was read the first time.

Mr. Hoxey, from the committee appointed, reported a bill to tax dealers in money, or any other person, by whatsoever name called, who make a business or profession of buying notes of hand, or promissory notes, contracts, bonds, or other assurances, or who loan money at usurious or other interest,

Which was read the first time.

On motion of Mr. Hendrick,

Resolved, That the secretary of senate be directed to inform the house of representatives, that in the absence of the President they have elected the hon. Allen B. Powell, of McIntosh county, President pro tempore.

The Senator from Twiggs had leave of absence for a few days from the service of this body.

The senate, on motion, took up the bill in addition to and amendatory of an act to incorporate the Brunswick canal company.

The bill was read the third time, and ordered to lie on the table for the present.

The bill to pardon Ludwell Watts of Butts county was, on motion of Mr. Crawford of Columbia, made the order of the day for Thursday next.

Mr. Phillips notified the senate, that after to-day he would move for the appointment of a Committee to prepare and report a bill, to alter the time of holding the Superior and Inferior courts in and for the county of Jasper.

Mr. Crawford of Hancock notified the senate, that after to-day he would move for the appointment of a committee to prepare and report a bill, providing for the sale of all reserves of public land, and all fractional parts of surveys, of which the sale shall not have been directed by law at the close of the present session of the general assembly.

The senate took up the report of the committee on the memorial of Luke J. Morgan, one of the securities of John A. Cuthbert,

Which was amended and agreed to.

Ordered, that the secretary carry it forthwith to the house of representatives for their concurrence.

The bill to lay out a new county out of the counties of DeKalb, Fayette, Coweta and Carrol, was made the order of the day for Tuesday next.

Mr. McTyre, from the Committee appointed, reported a bill to incorporate a bank in the city of Augusta, to be denominated the Merchants' and Planters' Bank in the city of Augusta,

Which was read the first time.

On motion of Mr. Crawford of Columbia,

Two hundred copies of said bill were ordered to be printed for the use of the legislature.

On motion of Mr. Allen,

*Resolved*, That the Printing committee be instructed to have two hundred copies of the bill to prescribe a permanent system of Internal Improvement printed for the use of the Legislature.

The following message was received from the house of representatives by Mr. Holt, informing the senate that

The house of representatives had granted leave of absence to their clerk, and had appointed A. B. Holt their clerk pro tem.—and that

The house had also passed the following bills, to-wit :

A bill to incorporate the Savings Bank of Augusta.

A bill to alter the time of holding the Superior courts of the Southern Circuit.

A bill to authorise the courts of Ordinary in the different counties in this State to grant and issue letters of guardianship upon the persons and property of illegitimate children.

A bill to incorporate the Baptist Church at Shiloh in Greene county.

A bill to amend the act establishing and regulating district elections in the county of Jones.

A bill to appoint commissioners to select a site for the public buildings for the county of Appling, and to make permanent the same—and

A bill to alter the time of holding the Superior courts in the eastern district, &c.—and that

The house had concurred in the report and resolution for the relief of James Cartledge, administrator of Ayres Cartledge, deceased, late tax collector of Columbia county.

The Senate adjourned until to-morrow morning 10 o'clock.

*FRIDAY, 30th Nov. 1827.*

Agreeably to notice, Mr. Phillips moved for the appointment of a committee to prepare and report a bill to alter the time of holding the Superior and Inferior Courts in and for the county of Jasper.

Ordered, that messrs. Phillips, Beall, and Williams be that committee.

Agreeably to notice, Mr. Crawford of Hancock moved for the ap-

appointment of a committee to prepare and report a bill, providing for the sale of all reserves of public land, and all fractional parts of surveys, of which the sale shall not have been directed by law at the close of the present session of the General Assembly.

Ordered, that messrs. Crawford of Hancock, Davies and Wilson be that committee.

On motion, the Senate took up the several messages of the House of Representatives, and the bills therein contained were severally read the 1st time.

So much of one of the messages as relates to an appropriation for repairing and painting of the Government House and for furnishing the same, was read and ordered to lie on the table.

On motion, the Senate ordered one hundred copies of the bill to incorporate the Savings Bank of Augusta to be printed for the use of this branch of the Legislature.

The Senate took up the report of the committee on the petition of Abner Bartlett of the 28th inst., and amended the resolution therein contained, by striking out the words "*with interest on \$57 50 from the 23d December, 1207, and on \$185 00 from the 23d July, 1810.*"

The report was then agreed to.

Mr. Clayton of Clark laid on the table the following resolution :

Whereas fraction No. 231, in the 17th district formerly Henry now DeKalb, was sold at the last sale of fractions in the town of Milledgeville, for the sum of twelve hundred dollars, and the purchasers having failed to pay either of the instalments as required by law, and there being a plantation on said fraction, which is going to waste—

*Be it therefore resolved*, That the Sheriff of DeKalb county, be authorised to advertise and expose to public sale in the town of Decatur, the aforesaid fraction No. 231, for the use of the State, said Sheriff requiring one fourth part of said purchase money to be paid down, and taking bond and approved security for the balance in three annual instalments, allowing said Sheriff the usual fees on said sale.

Mr. Hoxey laid on the table the following resolution :

Whereas manifest injury has been done to the State by the practice that has heretofore obtained of the Solicitor General and State's Attorneys collecting the debts due the State, and being paid five per centum on the amount when so collected, which said debts might have been collected at a less per cent and by attorneys equally qualified :

*Be it therefore resolved*, That in all cases hereafter where there are debts due the State, His Excellency the Governor is authorised to employ a suitable attorney, and pay such per cent as he may agree upon, provided the same does not exceed—per cent.

Mr. Worthy presented the report of the trustees of the poor school fund of the county of Gwinnett, which was read—When on motion, the Senator had leave to withdraw said report.

The following bills of Senate were read the second time and ordered for a third reading :

A bill to repeal an act entitled an act, to lay off the counties



Emanuel and Tatnall into election districts; passed the 9th of December, 1824, so far as the same relates to the county of Emanuel;

A bill to alter and amend the road laws so far as respects the county of Madison, and

A bill to authorise certain commissioners therein named, to establish a Lottery for the purpose of raising the sum of fifteen thousand dollars to be appropriated to the building of a Masonic Hall, in the town of Macon.

The following bills of Senate were read the second time and ordered for a committee of the whole.

A bill to provide for the payment of cost and fees of the Attorney, Solicitor General, Sheriff and Clerks of the Superior Court, and other Courts having jurisdiction in criminal cases, in certain cases.

And a bill to tax dealers in money, or any other person by whatever name called, who make a business or profession of buying notes of hand or promissory notes, contracts, bonds, or other assurances, or who loan money at usurious or other interest.

The bill to establish and regulate an additional election district at the house of Luke Roberts, in the county of Jones,

Was read the third time;

And on the passage of the bill, the yeas and nays being required, it was determined in the affirmative. The yeas are 38—the nays are 19.

Those in the affirmative are, Messrs.

Alexander	Davies	Porter
Allen	Danmark	Remson
Anderson	Dunagen	Scarlett
Beall	Ezzard	Sellers
Blackstone	Fulwood	Sledge
Blair of Habersham	Groves	Smith
Blair of Lowndes	Harris	Swain
Brown of Camden	Hawthorn	Tennille
Brown of Monroe	Hendrick	Walthour
Barton	Martin	Wilson
Cargille	McDougald	Wooten
Cochran	Miller	Worthy
Cosby	Moore	

Those in the negative are, Messrs.

Baber	Janes	Moncrief
Clayton of Clark	Jordan	Phillips
Crawford of Columbia	Lawson	Ray
Crawford of Hancock	Luckie	Thomas
Gamble	Maxwell	Tillman
Holloway	McTyre	Williams
Hoxey		

The Senate resolved itself into a committee of the whole, Mr. Crawford of Columbia in the chair, on the bill to dispose of the McIntosh reserves in the county of Butts. The President having

resumed the chair, Mr. Crawford reported progress, and had leave to sit again.

The following bills of the House of Representatives were read the second time, and ordered for a third reading—

A bill to add the Academical Fund of Dooley county to the poor school fund of said county.

A bill to incorporate the Methodist Episcopal Church in Lexington, Oglethorpe county.

A bill to amend the road laws of this State, as far as respects the county of Camden.

A bill to create a new division of Georgia Militia.

A bill to amend an act to establish and regulate district elections in the county of McIntosh.

A bill to compel the clerks of the Superior and Inferior Courts of the county of Fannin to keep their offices at or within one mile of the Court-house of said county.

A bill for the relief of persons owning improvements on the reserve at Coweta falls on Chattahoochee river, and

A bill to separate and divorce David Caudle and Rebecca Caudle his wife.

The following bills of the House of Representatives were read the second time and ordered for a committee of the whole.

A bill to admit certain persons to plead and practice in the several Courts of Law and Equity in this State.

A bill to authorise the Justices of the Inferior Court of Madison county, to remit a forfeiture by John Hales. And

A bill to authorise William Williamson to establish a Ferry across Flint river on his own land, also to authorise James Hooten to establish a Ferry across Flint river on his own land in the county of Upson, and regulate the same.

A message was received from the Governor by his Secretary Mr. Harts, informing the Senate that His Excellency the Governor had approved a resolution of this branch of the General Assembly, for the relief of James Cartledge administrator of Ayres Cartledge tax collector of Columbia, for the year 1825, on certain conditions.

Mr. Crawford of Columbia, from the joint committee on Banks to whom were referred the reports of the several Banks—reported,

That upon examining the condition of the Bank of Augusta, they find nothing which does not warrant the assurance given by the President of that Bank, that the institution continues sound and its credit unimpaired. They are of the opinion, that the faithful and judicious administration of the affairs of this institution, entitles it to the highest confidence of the Legislature and of the people of Georgia.

They take pleasure in saying that the statement made by the Bank of the State of Georgia, shews very satisfactorily the prosperous and wholesome condition of that institution. That it possesses specie and specie funds to an amount fully adequate to any exigency which it may be required to meet, whilst it has in circulation, bills to an amount shewing a disposition on the part of the Directors of this institution, to meet the wants of the community.

without putting at hazard the interest of the institution or endangering its credit.

They further report, that the Bank of Darien still continues to redeem its bills in circulation, and they are authorised in the belief, that it will in the course of a reasonable time, redeem all its bills now in the Treasury, and indulge the hope that it will also redeem the stocks in which the State is largely interested.

They have examined the report of the Planters Bank, and feel gratified to have it in their power to state, that its affairs appear to be in a safe condition, and to have been managed with prudence and ability, and therefore entitled to public confidence.

The affairs of the Marine and Fire Insurance Bank, appear to have been conducted with great prudence and discretion, and the institution to be in a flourishing condition.

They have examined also the report and exhibit of the Macon Bank and take pleasure in stating, that said exhibit presents a very sound and prosperous state of the affairs of said Bank, and fully complies with the charter and the requisitions of the several laws and resolutions governing the Banks of this State. The sound and healthful condition exhibited by this institution, the prudence, care and caution, thus far manifested in its management, are such as to entitle it to an equality with the other chartered Banks of this State, and the confidence of the community. The committee therefore recommend the following resolution :

*Resolved*, That the bills of the Macon Bank be received at the Treasury in the payment of taxes and any other debts due the State. Which was read and ordered to lie on the table.

On motion of Mr. Crawford of Columbia—*Resolved*, That the late Treasurer, Secretary of State, Surveyor General and Comptroller General be paid that portion of the salary that may be due them for services performed by them from the fourth to the twenty-fourth day of the present month, (Nov. 1827,) both days inclusive, and all perquisites that may appear due the officers aforesaid, and that the same be provided for in the appropriation law.

The Senators from Elbert, Early, Muscogee, Laurens and Montgomery had leave of absence from the service of this body for a few days.

The Senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, 1st Dec. 1827.

On motion of Mr. Ezzard,

The senate reconsidered so much of their journal of yesterday as relates to the order for a third reading of the bill of the house of representatives for the relief of persons owning improvements on the reserve at Coweta Falls on the Chatahochee river. The bill was thereupon ordered for a committee of the whole.

Mr. Hendrick presented the petition of a number of the citizens of Marion county, praying the establishment of an election precinct,

Which was read and referred to a committee, consisting of messrs. Hendrick, Brown of Monroe, and Davies.

The senator from Putnam had leave of absence for a few days.

Mr. Crawford of Columbia presented the petition of Wm. Young, revolutionary soldier,

Which was read and referred to the committee on petitions.

Mr. Sludge, from the committee appointed, reported a bill to create and define a new division of militia, and the two brigades which all form the same, in the territory lately acquired from the Creek Indians, lying between the Flint and Chatahoochee rivers, and west of the Chatahoochee river,

Which was read the first time.

Mr. Clayton of Clark, from the Judiciary committee, reported

A bill to alter a part of the third section of the first article of the constitution of the State of Georgia; also, a part of the seventh section of the 3d article thereof; also, a part of the 12th section of the said first article thereof; also, a part of the first section of the third article of the said constitution; also, a part of the third section of the said third article of said constitution—and

A bill to prescribe the terms on which prisoners may be discharged with or without bail

Which were read the first time.

Mr. Moore, from the committee appointed, reported a bill regulating the advertising estrays in this State,

Which was read the first time.

Mr. Phillips, from the committee appointed, reported a bill to alter and fix the time of holding the Superior and Inferior courts in the Ocmulgee district, so far as relates to the counties of Wilkinson, Jones and Jasper,

Which was read the first time.

Mr. Crawford of Hancock, from the committee appointed, reported a bill to dispose of the residue of lands heretofore reserved for the use of the State,

Which was read the first time.

Mr. Ezzard, from the committee appointed, reported a bill to incorporate the Presbyterian Church in the town of Decatur, DeKalb county, and to appoint trustees for the same,

Which was read the first time.

Mr. Worthy notified the Senate, that after to-day he would move for the appointment of a committee, to prepare and report a bill to establish a ferry on the Chatahoochee river, known by the name of Whites' Ferry.

On motion,

Guy W. Smith, the Door-Keeper, had leave of absence for a few days, by furnishing a substitute.

Mr. Clayton of Clark, from the committee to whom was referred the petition of a number of the citizens of Habersham and Hall counties, Reported—

That they have had the same under consideration, and beg leave to report, that inasmuch as the making said new county will have a tendency to derange the centre and site of the public buildings of

the counties from which it is sought to be taken, the prayer of the petitioners is therefore unreasonable, and ought not to be granted,

Which was read and agreed to.

Mr. Swain, from the committee on petitions, to whom was referred the petition and accompanying documents of Isaac Hall, late tax collector of Wilkinson county, Reported—

That from the consideration they have given to the facts therein disclosed, they are of the opinion that the prayer of the petitioner is reasonable, and ought to be granted, and recommend the adoption of the following resolution :

*Resolved*, That the Treasurer of the State be instructed to surcease any farther proceedings against Isaac Hall of Wilkinson county, for or on account of the tax due by said county for the year 1821.

Your committee cannot, however, pass unnoticed the conduct of Wright Mims, late Sheriff of Wilkinson county, and subsequent proceedings had thereon, in relation to the aforesaid tax—they therefore respectfully recommend the adoption of the following resolution in relation thereto :

*Resolved*, That the Solicitor of the Ocmulgee Circuit be instructed to take all necessary and lawful means to recover from Wright Mims, late Sheriff of Wilkinson county, and his securities, the amount of taxes collected by him, as Sheriff, from Isaac Hall, for the year 1821, and which remain unpaid at the Treasury—and that the said Solicitor make report thereof to the next Legislature,

Which was read and ordered to lie on the table.

Mr. Wooten, from the committee on Finance, to whom was referred the report of the Comptroller General, embracing the reports of Benjamin F. Harris, Solicitor General of the Flint Circuit, and Mortimer R. Wallis, State's Agent, Report—

That they have had the same under consideration, and find that so much of the report as relates to Benjamin F. Harris, Solicitor General of the Flint Circuit, to be as follows, to-wit : That he has collected and paid over, agreeable to account rendered as per official receipts, twenty-seven hundred and seventy-five dollars thirty-one cents and that he has carried to judgment, as per account rendered, \$2 748 80 cents ; on actions brought and not carried to judgment, \$3 302 ; all of which appears to your committee to be fairly and correctly stated.

*Resolved*, That the sum of one hundred and thirty-eight dollars seventy-six cents be paid to Benjamin F. Harris, Solicitor General of the Flint Circuit, being five per cent commission, and that the same be placed in the appropriation law.

So far as relates to that part of the report of Mortimer R. Wallis, State's Agent, your committee beg leave further to Report—

That they are unable to come to any satisfactory conclusion, he having rendered in his account in round numbers, without date or items ; and it appearing from the certificate of Robert Coleman, Esq. that he paid him on divers accounts, in cash, made for rents of the State's interest in the reserves at Fort Hawkins, six hundred and sixty-three dollars fifteen cents more than he has accounted for ; and farther appearing to your committee that the said State's Agent has

never made any return to the Comptroller General's office of any money, bonds or notes by him received since his appointment,

*Resolved therefore,* That the said Mortimer R. Wallis be required forthwith to return to the Comptroller General's office a fair and correct statement of all the money, bonds and notes by him received as State's Agent, setting forth every item ; on failure thereof, the Comptroller General is hereby required to commence suit immediately on his bond,

Which was read and ordered to lie on the table.

The following bills of senate were read the third time and passed :

A bill to alter and amend the road laws, so far as respects the county of Madison.

A bill to authorise certain commissioners therein named to establish a lottery for the purpose of raising the sum of fifteen thousand dollars, to be appropriated to the building of a Masonic Hall in the town of Macon—and

A bill to repeal an act entitled an act to lay off the counties of Emanuel and Tattnall into election districts, passed the 9th of December, 1824, so far as the same relates to the county of Emanuel.

The following bills of the house of representative were read the third time and passed :

A bill to incorporate the Methodist Episcopal Church in Lexington, Oglethorpe county.

A bill to amend the road laws of this State, as far as respects the county of Camden.

A bill to amend an act to establish and regulate district elections in the county of McIntosh.

A bill to add the academical fund of Dooley county to the poor school fund of said county.

A bill to compel the clerks of the Superior and Inferior courts of the county of Tattnall to keep their offices at or within one mile of the court house of said county—and

A bill to create a new division of Georgia Militia.

The senate resolved itself into a committee of the whole, on the bill to manumit a male slave and a female slave by the names of Davy and Hannah ; Mr. Blair of Habersham in the chair.

The President, having resumed the chair, Mr. Blair reported the bill without amendment. The senate took up and agreed to the report, and on the passage of the bill, the yeas and nays being required, it was determined in the affirmative--yeas 35, nays 20.

Those in the affirmative are Messrs.

Allen	Clayton of Clark	Harris
Baber	Cochran	Hawthorn
Blackstone	Cosby	Hendrick
Blair of Habersham	Davies	Lawson
Blair of Lowndes	Dunagen	Martin
Brown of Camden	Ezzard	Maxwell
Brown of Monroe	Folwood	Miller
Burton	Gamble	Moore
Cargille	Groves	Porter

Scarboro	Thomas	Wilson
Scarlet	Tillman	Worthy
Sellers	Walthour	

Those in the negative, are Messrs.

Alexander	Janes	Remson
Anderson	Jordan	Sledge
Beall	Luckie	Smith
Clayton of Pulaski	McTyre	Swain
Crawford of Columbia	Moncrief	Tennille
Denmark	Phillips	Wooten
Holloway	Ray	

The Senate resolved itself into a committee of the whole, on the bill for the relief of the present trustees of the poor school fund of Henry county; Mr. Baber in the chair.

The President having resumed the chair, Mr. Baber reported the bill without amendment. The senate took up and agreed to the report.

The bill was read the third time and passed, under the title of, "a bill for the relief of the several counties in this State, in which the commissioners of the poor school fund shall have failed to make their returns in conformity with law."

The Senate resolved itself into a committee of the whole, on the bill to amend an act entitled an act to regulate the rates of tavern license in this State, passed the 15th of December, 1809—Mr. Sellers in the chair.

The President having resumed the chair, Mr. Sellers reported the bill without amendment. The Senate took up and agreed to the report. The bill was read the third time, and on the passage of the bill, the yeas and nays being required, it was determined in the negative. The yeas are 18, the nays are 38.

Those in the affirmative are, messrs.

Alexander	Fulwood	Swain
Allen	Groves	Thomas
Anderson	Holloway	Tillman
Blair of Habersham	Lawson	Wilson
Cargille	Remson	Wooten
Cochran	Sellers	Worthy

Those in the negative are Messrs.

Baber	Cosby	Hendrick
Beall	Crawford of Columbia	Janes
Blackstone	Davies	Jordan
Blair of Lowndes	Denmark	Luckie
Brown of Camden	Dunston	Martin
Brown of Monroe	Ezzard	Maxwell
Burton	Gamble	McTyre
Clayton of Clark	Harris	Miller
Clayton of Pulaski	Hawthorn	Moncrief

Moore  
Phillips  
Porter  
Ray

Scarboro  
Scarlet  
Sledge  
Smith

Tennille  
Wathour  
Williams

Mr. McTyre from the committee to whom was referred the petition of the Agent of the legal representatives of George Galphin, deceased—reported,

That on a reference to the documents which accompany the petition, your committee find that the facts therein stated, are substantially correct, and in this opinion your committee are fortified by the concurrence of several other committees of one or the other branch of the Legislature, composed of men, than whom none have stood higher in the estimation of their fellow citizens, to whom this claim has at various times been committed. In truth your committee think that some of the principal facts on which the claim rests, may now be considered, rather as parts of the history of our State, than as matters to be established by private documents or individual testimony. In the year one thousand seven hundred and seventy-three, a cession was made by the Creek and Cherokee Indians to the crown of Great Britain of a large tract of land then within the province of Georgia; the object and motive of this cession was the payment of large sums of money due by the Indians to certain persons who were in the habit of dealing with them, called Indian traders, and that the crown of Great Britain when it took the lands so ceded, stipulated to pay as a consideration for them, the amount of money due to the traders, out of the sums to be raised by the grant of these lands to individuals. Thereby creating a lien upon the lands in the possession of the crown, which in the opinion of your committee they would not be relieved from by any change of Government. After the close of the Revolutionary struggle, and when the Independence of the States had been established, the State of Georgia, under the title which she acquired as an Independent State, appropriated those lands by granting them out to her citizens. After thus appropriating them, the State recognized to the full extent the claims of George Galphin and others similarly situated, as your committee conceive, by an act passed on the 23d of January, 1780, the twenty-third section of which is in the words following, viz: "Whereas certain persons citizens of this State and the State of South Carolina and friends to the independency of the same, claim that the lands in the county of Wilkes, were originally given up and ceded to the Government of Great Britain by the Creek and Cherokee Indians in satisfaction and discharge of certain debts and arrears due by the said Indians to the said certain persons commonly called Indian traders—

*Be it therefore enacted,* That any person having or pretending to have any claim, do lay their claims and amounts before this or some future House of Assembly to be examined, and whatever claims shall be found just and proper and due to the friends of America, shall be paid by Treasury certificates for the amount payable in two, three and four years, and carrying six per cent interest. In consequence of the death of George Galphin his claims were not



presented, until sometime after the passage of this act, but his representatives have at various times presented them to successive Legislatures, by whom they were referred to committees who have uniformly with perhaps one or two exceptions, reported favorably upon them, but for some reasons unknown to your committee, these reports were not acted on, or were rejected by the Legislature. Your committee find amongst the documents, satisfactory evidence of the fact, that the claims of the said George Galphin in his own right and in the right of those from whom he claimed, amount to the sum of nine thousand seven hundred and ninety one pounds fifteen shillings and five pence sterling; and in relation to the question whether the said George Galphin was a friend to the independence of his country, your committee find that the fact is established by the concurring testimony of all his contemporaries, and who have the best means of ascertaining it, that he was her warm, consistent and undeviating friend, and devoted himself to her interests at the hazard of his life and fortune.

These facts in the opinion of your committee, present a claim founded upon the most rigid principles of justice, fortified by feelings of gratitude for services rendered in the most gloomy period of the history of our country, and under circumstances calculated to render those services hazardous in the extreme. Your committee therefore recommend the adoption of the following resolution:

*Resolved*, That Treasury or Comptroller's certificates do issue to the legal representatives of George Galphin, for the sum of nine thousand seven hundred and ninety one pounds fifteen shillings and five pence sterling, to be reduced to dollars at the rate of four dollars and forty-four cents to the pound sterling, with interest at six per cent per annum, from the thirty first of December 1794, payable in ten equal annual instalments, which shall be received in full satisfaction of the demand of said representatives of the said George Galphin against the State of Georgia, which was read and ordered to lie on the table.

The Senate adjourned until Monday morning 10 o'clock.

MONDAY, 3d Dec. 1827.

Agreeably to notice, Mr. Worthy moved for the appointment of a committee, to prepare and report a bill to establish a ferry on the Chatahoochee river, known by the name of Gates' Ferry.

Ordered, that messrs. Worthy, Alexander, and Brown of Camden be that committee.

The senate resolved itself into a committee of the whole, on the bill to alter and amend the 32d section of the Judiciary system of this State, so far as relates to the illegality in execution—Mr. Lawson in the chair.

The President having resumed the chair, Mr. Lawson reported progress and had leave to sit again.

The senate resolved itself into a committee of the whole, on the bill to give further time to the purchasers of fractions, lots and islands, at the sales of the fractions, to pay for their lands—Mr. Wilson in the chair.

The President having resumed the chair, mr. Wilson reported the bill without amendment.

The senate took up, amended, and agreed to the report. The bill was read the third time and passed.

The senate resolved itself into a committee of the whole on the bill to separate and divorce Eliza Stone and Joshua Stone her husband—mr. Porter in the chair.

The President resumed the chair, and mr. Porter reported the bill without amendment. The senate took up and agreed to the report.

The bill was read the third time, and on the passage of the bill, yeas and nays being required, it was determined in the affirmative. The yeas are 35, the nays are 16.

Those in the affirmative are, Messrs.

Alexander	Ezzard	Scarboro
Ball	Gamble	Scarlett
Down of Camden	Groves	Smith
Down of Monroe	Hendrick	Spann
Empbell	Hoxey	Swain
Argille	Lawson	Tennille
Payton of Clark	Moncrief	Thomas
Payton of Pulaski	Moore	Walthour
Offee	Porter	Williams
Osby	Ray	Wilson
Avies	Remson	Wooten
Unagen	Ryalls	

Those in the negative are, Messrs.

Anderson	Fulwood	Miller
Lackstone	Harris	Munroe
Blair of Habersham	Luckie	Phillips
Blair of Lowndes	Martin	Sellers
Ochran	McTyre	Worthy
Lawford of Columbia		

The senate resolved itself into a committee of the whole, on the bill to alter and amend the Judiciary of this State, so far as relates to the jurisdiction of Justices of the Peace—mr. Worthy in the chair.

The president having resumed the chair, mr. Worthy reported progress and had leave to sit again.

Mr. Blair of Lowndes, from the committee appointed, reported a bill to form a new county out of part of the county of Lowndes, and reorganize the same.

Which was read the first time.

A message was received from the house of representatives, by mr. Holt, their clerk pro tem. informing the senate that

The House of Representatives had passed the following bills:

First—  
A bill to establish an additional election district in the county of Habersham.

A bill to appoint commissioners to select a site for the public buildings for the county of Irwin, and to make permanent in same.

A bill authorising James Turrentine, of Pike county, to establish a ferry across Flint river on his own land.

A bill to establish an additional electoral district in the county of Pulaski.

A bill to amend an act entitled an act to appoint trustees for the poor school fund in Tattnall county, and vest the funds of the Tattnall county academy in the same.

A bill to incorporate Amsden Academy, on Williams' Creek in the county of Warren, and to appoint Trustees for the same.

The President of Senate presented the following letter of invitation from Doctor Ambrose Baber and Doctor Alexander Jones :

*" To the Honorable the Senate,*

*And House of Representatives of the State of Georgia :*

*" The Board of Physicians of the State of Georgia, now in session grateful for the offer of the representative chamber, for the delivery of their Anniversary Address, respectfully invite the attendance of both branches of the legislature in the representative chamber at the hour of 12 o'clock this day.*

On motion of Mr. Clayton of Clark,

The invitation was accepted.

The following communication was received from the governor Mr. Pierce his secretary :

EXECUTIVE DEPARTMENT,

Dec. 1st, 1827.

The proposition submitted by the Bank of Darien, for the gradual redemption of its notes in the Treasury, was submitted to the general assembly without remark, from a conviction, that to them belonged, in the first instance, the exclusive right to determine upon the propriety of rejecting or accepting it, of prescribing the conditions on which it would be accepted, and of providing by proper enactments for securing the performance of the conditions prescribed. The subject of the State Banks was one on which the present Executive had not found it necessary to form a matured opinion, while it had been so frequently and prominently presented to their consideration, that it was supposed to be familiar in all its details to the majority of the members of both branches of the legislature. The joint resolution, originating in the senate, acceding to the proposition of the Bank of Darien presented on the 28th ult. made a deliberate examination of the condition of that institution indispensable. This examination has been made, as far as the limited information to be obtained here would permit. Since that examination the best reflection on the proposition made by the Bank has compelled me to disapprove the resolution of the general assembly acceding to it. The importance of the subject itself would require a full exposition of the grounds of this determination, if it were not demanded by respect for those by whom the resolution was adopted. The Bank asks indulgence for a debt due by them to the State.

Which has been due since the year 1825. Without considering the benefits enjoyed by the institution for the large amount of its bills previously in the treasury, when its inability to redeem them was well understood, the Bank has had the use of \$590,500 during the political year 1826, amounting at simple interest of 6 per cent. to \$5,430—it has enjoyed in the year 1827, the use of \$490,261, equal at simple interest to \$29,415. The sum of \$100,000 appropriated by the State, having been drawn from the treasury for Internal Improvements during the year 1827. From forbearance to the institution, a loss has been thus incurred of \$64,845 in two years on the note debt due to the public.

Have the exertions of the Bank to diminish the public claim upon been such as to merit consideration? Not an effort has been made for the public, while individuals, availing themselves of the inactivity of the State, have received from the institution payments until the debt due to them, excluding that for stock, has been reduced to the comparatively trifling sum of \$134,815 13.

In this operation, all the specie of the institution and specie funds, except a paltry \$14,157, has been swallowed up—the surplus profits, or what was charged as surplus profits, exhausted with the interest paid in on notes running to maturity, together with all the sums extracted from the good debts due to the institution. \$1,336,430 of the debts of the Bank have been paid to private claimants, leaving a balance due to individuals, of the sum abovementioned, \$134,815 13, while the debt due to the State remains unaltered, except by the bills paid out under the appropriations made for internal improvements. Such has been the process, that the State is rapidly becoming the sole creditor of the institution, an event which will certainly occur, if proper measures to enforce payment are not soon adopted. These observations suffice to shew, that the past conduct of the Bank to the State does not merit further indulgence.

Does the interest of the State require it to be given? No advantage to the State can possibly accrue equivalent to the first sacrifice expected from it, a further surrender of the use of a large sum, giving to the Bank an additional benefit of \$55,857, the value at simple interest of the sum to be kept in the public treasury. Certainly this arrangement will benefit the Bank and enable it to pay some of its debts, as a delay of little more than sixteen years would enable it, if the simple interest was suffered to accumulate, to extinguish the whole claim of the State, without touching any other fund. This suicidal annihilation of a debt by the interest accruing upon it, is a new process in the science of Banking which has excited no observation, although begun two years since, and yet successfully going on. If not justified by the interest of the State, or merited by the conduct of the Bank, are there any sufficient reasons to be found in the application, to authorise the indulgence sought? It is suggested that great advantages will result to the State from the proposed arrangement: 1st. The *ultimate redemption of the Bills* now in the treasury *will be secured*—and secondly, the Bank will commence operations anew, and be able in *due time* to pay an interest on the capital stock invested. The first suggestion is alarming. If it has any just

foundation, it admits, what has heretofore been denied by the institution, that it is not certain that the notes in the treasury will be redeemed. If the ultimate redemption of the notes is doubtful, premium ought to be made to secure it. The mode proposed provides no security to the State—it would be advantageous to the Bank precisely to the amount of the interest upon the sum due, until paid by the regular instalments. This benefit to the bank would be a tax on the State, the sum lost by the one being exactly that gained by the other. If there is danger of ultimate loss, it is quite obvious that delay will increase, not diminish it. If delay is granted, the State, which incurs the danger, ought to receive the premium on the risk. In defiance of these self-evident truths, the Bank, by the arrangement proposed, admits the danger, asks the delay and claims the profits arising from it. Is there any collateral security for this claim, now for the first time admitted to be doubtful? For the whole sum none is proposed, but the solemn pledge of the Bank is offered for the semi-annual payments of \$75,000. The solemn pledge of a monied corporation! whose pledges, equally solemn, given to the public by the issue of its notes, to redeem them on demand, have been violated without scruple—whose infidelity to its engagements would be infamous, if its inability to meet them was not notorious. The reliance which could be placed on the personal honor of the present Directors of the institution, who made the offer, is of little value, since their continuance in the management of it depends upon the will of others, who have not been consulted on the proposition submitted to the State. It must not be forgotten, that the *moral character of a monied corporation* is to be found, not by a scrutiny into the character of its managers, but by an examination of its value. It is to be weighed, not in the scales of honor and of conscience, but in those of Stock Brokers and Money Changers.

No doubt, however, is entertained, that the offer is made in good faith, that the intention is to comply with its terms, and that the persons who propose believe in the ability of the institution to fulfil them. Was the whole debt amply secured, the interest accumulating to be regularly paid at short intervals to the State, until the whole debt is gradually extinguished by semi-annual payments, an indulgence of time deemed advantageous or convenient to the institution, would be cordially approved.

The second suggestion is, that the Bank will recommence operations, and be able in due time to pay an interest on the capital stock paid in. It was not probably the intention of the General Assembly to authorise it, but the conclusion will be deduced from their resolution, that the State anticipates and approves the recommencement of the operations of the Bank. This deduction is not unfairly made from a resolution which accedes to the proposition made, in the words in which it is offered. The reason for acceding is not being explained, they will be naturally sought for in the statement of the delegates of the Bank to which the resolution refers. The prominent reason of that statement is the recommencement of operations. The State's anticipation & approbation thus procured will be used as an argument by the sanguine to overcome the re-

uctance of the more prudent and timid stockholders, and may occasion a dangerous if not a ruinous experiment, an experiment which would not be made if present aid were not given by the State, and future aid expected from it. That the Bank of Darien will ever pay an interest upon the capital stock paid in, is not to be believed by those, who will take the trouble to examine carefully its condition; it would be a waste of time to argue upon the improbability of such an event. The most sanguine of prudent calculators will be agreeably disappointed if the capital stock paid in is ever restored. Can it resume its business with a reasonable prospect of any benefit to the stockholders? Accept the proposition made, and what is the condition of the institution? It owes a floating debt of \$53,000—a deposit debt of \$79,082—an unpaid dividend of \$2,083, besides the obligation to pay the State \$150,000, making an aggregate of near \$300,000, which will be called for within the year. What are its means? Specie and specie funds, \$14,261!! Great expectations are entertained of large collections from those indebted. Supposing success to attend the effort to collect a half the amount due \$500,000, there will be \$200,000 to recommence business with. It will be loaned out, and the whole effect of the operation will be to change the persons of the debtors of the institution. What will be the benefit of this change? If the Bank is so believed, the present debtors are good—Will the new debtors be better?—Will the interest paid by A. for a discount of new paper be more profitable than the interest paid by B. on the renewal of a note already due? The directors cannot be so profligate as contemplate on the desperate prospect of accumulating interest, plunging the bank deeper into difficulties by contracting large obligations, additional to those they are now confessedly unable to charge. If their intentions are pure as they are presumed to be, their object is to create a capital by collections large enough to form the basis of a safe and extensive business. It must be adequate to both these purposes if benefit is to result from the experiment. If this large capital cannot be collected, the scheme is at an end. Can credulity itself be persuaded, that on a new emission of paper, the bills will be sustained at par by confidence in the institution?—Will the State receive them in payment of taxes or other debts due by its citizens? It is believed that a proposal that effect would meet but few advocates. How then can the Bank make a profitable business, or any business, beyond the precise amount of what actually is in its vaults? But one mode is perceived by which business could be transacted on an extended scale. The Bank might attract customers who would not be deterred by the premium paid on the change of Darien for good bills. Adventurers, without credit in any other institution, would flock around it—a large emission of bills would follow—depreciation begin. The present solvent debtors would use their credit to purchase up Darien bills enough at a large discount to pay their debts to the institution, and the number of bills in circulation would swell beyond measure. The adventurers expecting the usual artifices of delay, would squander in personal expense or wild speculation the good bills procured, and finally be compelled to close their accounts, surrender—a pepper corn,

leaving the balance to be charged to profit and loss on the books of the corporation. On paper, the bank would make in the meantime as formidable an exhibit as it now does, & the calculations of the uninitiated examiners of their annual accounts, would be as favourable to the institution as those now made. These suggestions are founded on the hypothesis, that the annual accounts of the Bank shew fairly and accurately its condition. On this point, the most serious apprehension must be entertained. In August 1825, a report was made by a committee of both Houses appointed to examine into the condition of the Bank. This report presents a picture of the Bank of a very different aspect from that exhibited by its officers. According to the committee, the amount of bad and doubtful debts due to the institution, was in 1825, \$531,844, instead of \$193,000 stated by the President of the Bank, a difference of \$338,844, against the institution. Which is to be relied on to direct the judgment of the State? The report of a committee from the two branches of the General Assembly, appointed specially to examine and without motive to deceive, or the exhibits made by persons deeply interested to sustain the credit of the institution by every artifice their moral sense will permit them to use? The discrepancy between the accounts of the committee and the officers of the Bank, is a sufficient reason for questioning the propriety of any arrangement resting solely on the suggestions of the Directors of the institution. With the hope of approaching the truth, a comparison of the annual account of 1827, with the report of the committee of 1825, has been made, and a new account founded upon them, stated. To shew the relative interest of the State, and of the individual creditors, the amount due the State in stock and notes, has been separated from the mass of debts and the residue charged apart. This account is herewith presented marked A. An account B. is also submitted, exhibiting the state of the note debt, and the means of payment; and a third, C. exhibiting the stock debt and shewing the probability of its ultimate reimbursement. It is not pretended that these accounts are to be implicitly relied on. It is believed however, that if time shews them to be erroneous, the errors will be found to have been committed in favor of the institution. Under the firm conviction that the Bank does not merit further indulgence—that the indulgence already shewn, has been injurious to the public—that it cannot now be extended on the terms offered without further injury—that it will not tend to secure the ultimate redemption of the bills of the bank in the Treasury—that it should not be granted with a view to the recommencement of the business of the bank, this measure would be injurious to the State, as a creditor; to the stock holders, and to the people, it being obvious that the bills of the Bank, if thrown into circulation to any amount, would not be sustained at par—And finally, that no experiment should be permitted which will render more insecure the large amount now due to the Treasury by the institution, the resolution of the General Assembly acceding to the proposition of the Bank of Darien, is disapproved.

Signed,

JOHN FORSYTH

Davies, Crawford of Columbia, Clayton of Clark, Wilson, and Blair of Habersham.

The senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, 4th Dec., 1827.

Mr. Baber, from the committee appointed, reported a bill to sell and dispose of the unsold lots in the town of Macon, and the public lands on the East and West side of the Ocmulgee river, near and adjoining the said town,

Which was read the first time.

On motion of Mr. Powell,

*Resolved*, That William Scarboro of Darien be, and he is hereby appointed a commissioner of the river Alatomaha, in the place of John Kell, deceased.

Mr. Worthy had leave to report, instantler, a bill to add a certain number of Trustees to the Lawrenceville Academy in the county of Gwinnett,

Which was read the first time.

The reconsidered bill, to lay off a new county out of the counties of DeKalb, Fayette, Coweta and Carrol, being before the Senate, and a doubt having been suggested as to the power of this body to act upon said bill, the substance of which appears to have been before the senate at this session and rejected, the President proceeded to deliver the opinion of the Chair as follows ;

The rejection of a particular section to a bill in committee of the whole does not preclude the senate from acting on a bill containing the same provisions, because no vote of the senate has been had on it. But the bill now under consideration is, in the opinion of the Chair, dissimilar.

The original bill introduced, for the division of the late acquired counties of Carrol, Coweta, Troup, Muscogee and Lee into counties of a proper shape and size, did contain a section intending to create a new county out of the counties of Fayette, Coweta and Carrol—this bill was twice read in senate, and committed to a committee of the whole house—During the progress of the bill in committee of the whole, a substitute was offered in lieu of the original bill, being virtually a transcript of said bill, with the exception of the section creating a new county out of the counties of Fayette, Coweta and Carrol. The senate confirmed the proceedings had in committee of the whole, by passing the substitute received in committee of the whole in lieu of the original bill, and varying from it only by the omission of the section alluded to. The passage of this bill as amended was a virtual rejection of the bill under consideration, and cannot be constitutionally acted on during the present session without the concurrence of two-thirds of both branches of the general assembly.

The bill to incorporate the Presbyterian Church in the town of Decatur, DeKalb county, and to appoint trustees for the same,



Was read the second time and ordered for a third reading.

The following bills were read the second time and ordered for committees of the whole;

A bill to prescribe the terms on which persons may be discharged with or without bail.

A bill to alter part of the 3d section of the 1st article of the constitution of the State of Georgia; also, a part of the 7th section of the 3d article thereof; also, a part of the 12th section of the said 1st article thereof; also, a part of the 1st section of the 3d article of the said constitution; also, a part of the 3d section of the said 3d article of the said constitution.

A bill to form a new county out of part of the county of Lowndes and to organize the same.

A bill to prescribe a permanent system of Internal Improvement.

A bill regulating the advertising estrays in this State.

A bill to create and define a new division of Militia, and the two brigades which shall form the same, in the territory lately acquired from the Creek Indians, lying between the Flint and Chatahoochee rivers and west of the Chatahoochee river.

A bill to dispose of the residue of lands heretofore reserved for the use of the State—and

A bill to alter and fix the time of holding the Superior and Inferior courts in the Ocmulgee district, so far as relates to the counties of Wilkinson, Jones and Jasper.

The senate again resolved itself into a committee of the whole on the bill to dispose of the McIntosh reserves in the county of Baldwin—mr. Brown of Monroe in the chair.

The President having resumed the chair, mr. Brown reported the bill with amendment. The senate took up the report, and,

On motion of mr. Crawford of Columbia,

To strike out so much of the report embraced in the following words:

*“And be it further enacted, That Henry Darnell be and he is hereby authorised to erect a Bath House on lot N. 1, being the reserve near the Indian Spring, for the use of the public, provided he shall permit any individual to use the same without charge; but he is nevertheless authorised to receive any gratuity that may be tendered him by those or any of those who use the said Bath-House.”*

The yeas and nays being required, it was determined in the affirmative. The yeas are 33—the nays are 22.

Those in the affirmative are, Messrs.

Anderson	Ezzard	Martin
Baber	Gamble	Maxwell
Beall	Groves	Moncrief
Cargille	Harris	Moore
Clayton of Clark	Hawthorn	Munroe
Crawford of Columbia	Holloway	Phillips
Davies	Hoxey	Porter
Denmark	Jordan	Ray
Engagen	Luckie	Remson

Yalls	Smith	Williams
Arboro	Spann	Wimberly
Arlett	Thomas	Worthy
Edge	Tillman	

Those in the negative are, Messrs.

Ackstone	Coffee	Powell
Air of Habersham	Cosby	Sellers
Air of Lowndes	Fulwood	Swain
own of Camden	Hendrick	Tennille
own of Monroe	Lawson	Walthour
Arton	McTyre	Wilson
Ampbell	Miller	Wooten
Achran		

The report having been agreed to as amended, the bill was read the third time, and the yeas and nays being required by Mr. Hendrick on its passage, it was determined in the affirmative, without dissenting voice. The yeas are 62.

Those in the affirmative are Messrs.

Alexander	Ezzard	Powell
Anderson	Fullwood	Ray
Aber	Gamble	Remson
Ball	Groves	Ryalls
Ackstone	Harris	Scarborough
Air of Habersham	Hawthorn	Scarlett
Air of Lowndes	Hendrick	Sellers
own of Camden	Holloway	Sledge
own of Monroe	Hoxey	Smith
Arton	Jordan	Spann
Ampbell	Lawson	Swain
Argille	Luckie	Tennille
ayton of Clark	Martin	Thomas
Achran	Maxwell	Tillman
offee	McTyre	Walthour
osby	Miller	Williams
awford of Columbia	Moncrief	Wilson
awford of Hancock	Moore	Wimberly
ayies	Munroe	Wooten
enmark	Phillips	Worthy
anagen	Porter	

Mr. Scarlett, from the committee on Enrolment, reported, as duly enrolled and signed by the Speaker of the house of representatives, the following acts:

An act to amend an act to establish and regulate district elections in the county of McIntosh, passed the 7th day of Dec. 1825.

An act to consolidate the academical and poor school funds of the county of Dooly.

An act to create a new division of Georgia Militia.

An act to compel the clerks of the Superior and Inferior courts of the county of Tattnall to keep their offices at or within one mile of the court-house of said county.

An act to amend the road laws of this State, so far as relates to the county of Camden.

An act to incorporate the Methodist Episcopal Church in Lexington, Oglethorpe county—and

An act to establish a toll bridge across the Ohoopie river, on the State road leading from Macon to Savannah,

Which were presented to and severally signed by the President of the Senate.

Ordered, that the committee on Enrolment do carry said acts to the Governor for his approval.

A message was received from the house of representatives by Mr. Holt, their clerk pro tem informing the senate that

They had agreed to a resolution requesting the Governor to pay the late State-house officers the proportion of the salaries due them out of the contingent fund of 1827, &c. to which they desired concurrence.

Mr. Wilson presented the petition of John G. Smylie,

Which was read and referred to a committee consisting of Messrs. Wilson, Coffee and Remson.

The Senate adjourned until to-morrow morning ten o'clock.

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WEDNESDAY, 5th Dec. 1827.

On motion,

The senator from Baldwin had leave of absence for a few days from the service of this body.

Mr. Blair of Habersham had leave to report, instantler, a bill to alter and amend in part the laws of this State regulating the descent of intestates' estates,

Which was read the first time.

Mr. Worthy, from the committee appointed, reported a bill to establish and make permanent a ferry across the Chatahoochee river in the county of Gwinnett, at a place known by the name of Gale's ferry, on his own land, and to vest the right thereof in Charles Gale and his heirs, and fix the rates of said ferry,

Which was read the first time

Mr. Campbell presented the petition of George B. Whitfield, Which was read and referred to a committee consisting of Messrs. Campbell, Gamble and Miller.

Mr. Scarlett laid on the table the following resolution :

Resolved, That James H. Couper, Robert Hazleherst, Robert Grant, John Wyley, and Charles C. Cooper, Esq. be and they are hereby appointed commissioners of the Brunswick Canal company in lieu of James Fort, Stephen C. King, James Gald, John Burnett and Thomas King, Esq. resigned.

Mr. Coffee, from the committee on Finance, to whom was referred the Governor's communication on the subject of the unsettled business between the State of Georgia and the late major Elisha Wood, dec'd, Reported--

That on an examination of the subject matter submitted to them, they find that the late major Elisha Wood, dec'd, received, as distributing secretary of the funds received from the general government, pay claims for Indian depredations, the sum of \$107,389 and 59 cents, and that all payments made by him on account of said fund, and his account also for services, &c. was \$106,489 and 66 cents, there is consequently unaccounted for the sum of \$903 and 97 cents on account of said fund, from the estate of said major Elisha Wood, dec'd: But your committee find, from the journals of the last legislature, that the sum of five hundred dollars was appropriated to the late major Elisha Wood, dec'd, for his services for distributing said fund. Your committee therefore recommend the adoption of the following resolution:

*Resolved*, That the sum of five hundred dollars, appropriated by the last legislature to the representatives of the late major Elisha Wood, which has not been paid, be withheld and placed to the credit of the estate of said deceased, and that his excellency the governor and he is hereby requested to have suit commenced against the estate of said Elisha Wood for the balance of four hundred and three dollars and ninety-three cents, and have the same collected with the least delay, provided the estate of major Elisha Wood, after enquiry, be considered solvent for said amount,

Which was read and ordered to lie on the table.

The senate took up and agreed to the report of the committee on the 1st inst. on the petition of Isaac Hall, late tax collector of Wilkes county.

The senate took up, amended and agreed to the report of the 27th inst. on the bill to extend the time for fortunate drawers in the land lotteries of 1818, 1819 and 1821 to take out their grants.

The bill was read the third time and passed under the title of "a bill to extend the time to fortunate drawers in the land lotteries of 1818, of 1819 and 1821 to take out their grants, and for other purposes."

Mr. Hendrick, from the committee to whom was referred the petition of sundry inhabitants of Monroe county, praying for an election precinct to be established at Stallings' Store, Reported--

That they have had the same under consideration, and from an ignorance of your committee of the wishes of the people generally of said county, as to having it cut up into election precincts, and that they should desire it, that Stallings' store might be an inconvenient place, being situated in a short distance of the Bibb line, and believing that the members from Monroe county in a future legislature will have an opportunity of knowing more fully the will of their constituents, and believing also, that if the county should hereafter be laid off into election precincts, the one prayed for might interfere with a general arrangement--They therefore Report--

That it would be inexpedient at the present time to grant the prayer of the petitioners,

Which was read and agreed to.

Mr. Hoxey presented the petition of Lewis Lynch, which was read and referred to a committee consisting of messrs. Hoxey, Davies and Clayton of Clark.

Mr. Hicks had leave to report, instantler, a bill to divide the counties of Carrol and Coweta into electoral districts, and to add a certain part of the Cherokee nation to the county of Carrol, for the purposes of giving criminal jurisdiction to the same,

Which was read the first time.

On motion of Mr. Hendrick,

*Resolved*, That the chairman of the Printing committee be requested to report to the senate what contract, if any, has been made for the job printing of the present session, and if none has been made, report to the senate the several proposals that have been made for the same.

The senate took up a resolution of the 30th ult. and amended it to read as follows, and agreed thereto :

Whereas fraction No. 231 in the 17th district formerly Henry, now DeKalb, was sold at the last sale of fractions in the town of Milledgeville for the sum of twelve hundred dollars, and the purchaser having failed to pay either of the instalments as required by law, and there being a plantation on said fraction which is going to waste,

*Be it therefore resolved*, That the Sheriff of DeKalb county be authorised to advertise and expose to public sale in the town of Decatur the aforesaid fraction No. 231, for the use of the State. And the purchaser shall pay to the Sheriff aforesaid one-fourth part of the purchase money in cash, or bills of the chartered Banks of this State ; on the payment of which, said Sheriff shall give to the said purchaser a certificate, which shall be transferable, stating the amount paid, and the amount of said purchase money then due, and to be paid in three equal annual instalments. And if any purchaser failing to pay any instalment to the Treasurer of the State within sixty days after they become severally due, shall forfeit the amount paid, and said fraction shall revert to and become the property of the State.

The bill to add a certain number of trustees to the Lawrenceville Academy in the county of Gwinnett,

Was read the second time and ordered for a third reading.

The bill to sell and dispose of the unsold lots in the town of Macon, and the public lands on the east and west side of the Ocmulgee river, near and adjoining the said town,

Was read the second time, ordered for committee of the whole, and made the special order of the day for Friday next.

The bill to incorporate the Presbyterian Church in the town of Decatur, DeKalb county, and to appoint Trustees for the same,

Was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to alter and amend the 22d section of the Judiciary system of this

State, so far as respects the illegality in execution—mr. Miller in the chair.

The President having resumed the chair, Mr. Miller reported disagreement to the bill. The senate took up and agreed to the report.

The senate resolved itself into a committee of the whole, on the bill to sell and dispose of the reserved lands in the counties of Houston and Dooly—mr. McTyre in the chair.

The President having resumed the chair, Mr. McTyre reported progress and had leave to sit again.

The senate resolved itself into a committee of the whole, on the bill to make the estates of Attorneys at Law liable for the payment of all sums of money by them collected and not paid over, before the payment of other debts due by such attorneys—mr. Sellers in the chair.

The President having resumed the chair, Mr. Sellers reported the bill with amendment. The Senate took up and agreed to the report. The bill was read the third time, and on the passage of the bill, the yeas and nays being required, are yeas 38, nays 24.

Those in the affirmative are, messrs.

Alexander	Coffee	McDougald
Allen	Cosby	Porter
Beall	Denmark	Powell
Blackstone	Dunagen	Sellers
Blair of Habersham	Ezzard	Spann
Blair of Lowndes	Fulwood	Swain
Brown of Camden	Groves	Thomas
Brown of Monroe	Harris	Tillman
Burton	Hendrick	Walthour
Campbell	Holloway	Wilson
Cargille	Hoxey	Wooten
Clayton of Pulaski	Lawson	Worthy
Cochran	Martin	

Those in the negative are Messrs.

Clayton of Clark	Leonard	Phillips
Crawford of Columbia	Luckie	Ray
Crawford of Hancock	Maxwell	Remson
Davies	McTyre	Ryalls
Gamble	Miller	Scarboro
Hawthorn	Moncrief	Sledge
Hicks	Moore	Smith
Jordan	Munroe	Tennille

A message was brought from the house of representatives by mr. Dawson their clerk, informing the senate that

The house of representatives had passed the bill of senate for the division of the late acquired counties of Carrol, Troup, Muscogee and Lee into counties of a proper shape and size.

That they had passed a bill to repeal the 2d section of an act pass-

ed 23d Dec. 1822, to distribute certain funds among the several counties in this State, for the use of academies, and to provide a method of obtaining further information concerning endowments heretofore made, and further to allow them to draw their dividends under certain conditions.

That they had concurred in the report and resolution on the petition of the administrator of John Winn, dec'd, late of Liberty county—and

In the resolution in favor of John Keener, late of Bibb, now of Upson county.

Mr. Davies, from the joint committee on the state of the Republic, made reports on the several following subjects :

One on so much of the Governor's communication as relates to the powers of the general government, claimed and exercised for the purposes of encouraging domestic manufactures, and effecting a system of Internal Improvement.

One on the reference of the senate, instructing an enquiry into the right and propriety of the Congress of the United States appropriating money from the public treasury of the Union, in aid of the Colonization Society.

One on so much of the Governor's communication as regards the acquisition of the Georgia lands at present in the occupancy of the Cherokee Indians, and the absolute and jurisdictional right of the State to the same—and

One on so much of the Governor's communication and the documents, as relates to the prohibition, by the general government, of the survey of the territory acquired by the treaty of the Indian Spring, and the threatening of military force to coerce obedience to the same.

On motion of mr. Davies,

The senate directed 200 copies of each report to be printed for the use of the legislature.

The Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, 6th Dec. 1827.

On motion of mr. Crawford of Columbia,

The senate reconsidered so much of their journal of yesterday as relates to the passage of a bill to make the estates of Attorneys at Law liable for the payment of all sums of money by them collected and not paid over, before the payment of other debts due by such attorneys.

The senators from Troup and Crawford counties had leave of absence for a few days—and

The senator from Chatham had leave of absence for this day.

The senate took up the reconsidered bill to pardon Ludwell Watts of Butts county,

And on the passage of the bill, the yeas and nays being required, it was determined in the negative--the yeas are 25, the nays 41.

Those in the affirmative are Messrs.

Allen	Gamble	Luckie
Blair of Habersham	Gilder	Porter
Brown of Camden	Groves	Powell
Burton	Harris	Remson
Campbell	Hawthorn	Scarboro
Cargille	Holloway	Scarlet
Clayton of Clark	Hoxey	Spann
Coffee	Janes	Tennille
Ezzard		

Those in the negative, are Messrs.

Alexander	Fulwood	Phillips
Anderson	Hendrick	Ray
Baber	Hicks	Ryalls
Beall	Jordan	Sellers
Blackstone	Lawson	Smith
Blair of Lowndes	Leonard	Swain
Brown of Monroe	Martin	Thomas
Clayton of Pulaski	Maxwell	Tillman
Cochran	McDougald	Williams
Cosby	McTyre	Wilson
Crawford of Columbia	Miller	Wimberly
Crawford of Hancock	Moncrief	Wooten
Denmark	Moore	Worthy
Dunagen	Munroe	

On motion of mr. Crawford of Columbia,

The Senate resolved itself into a committee of the whole, on the bill to admit certain persons therein named to plead and practice law in the several Courts of Law and Equity in this State--mr. Holloway in the chair.

The President having resumed the chair, Mr. Holloway reported the bill with amendment. The senate took up and agreed to the report. The bill was read the third time and passed.

Ordered, that the secretary carry, forthwith, said bill to the house of representatives, for their concurrence in the amendment thereto.

Mr. Hoxey had leave to report, instanter,

A bill to separate and divorce Polly Cleghorn and William Cleg, born her husband--and

A bill to separate and divorce Fanny Thompson and Richard G. Thompson her husband,

Which were read the first time.

Mr. Swain, from the committee to whom was referred the petition of William Young, Reported--

That they have had the same under consideration, and from the facts stated, are of opinion the laws of the general government have



provided him relief, and therefore, that the prayer of the petition ought not to be granted.

Which was read and agreed to.

Mr. Clayton of Clark presented the petition of Simon Holt,

Which was read and referred to a committee, consisting of messrs. Clayton of Clark, Moore and Williams.

Mr. Baber had leave to report, instantler, a bill for the benefit of the citizens of Bibb county residing on the east side of the Ocmulgee river,

Which was read the first time.

The senate resolved itself into a committee of the whole, on the bill to place so much of the Unacoi Turnpike Road as passes through the organized counties of this State under the jurisdiction and control of the road authorities of said counties, and for the relief of the securities of the Unacoi Turnpike Company—mr. Baber in the chair.

The President having resumed the chair, mr. Baber reported the bill with amendment. The senate took up and agreed to the report.

The bill was read the third time and (the caption being amended) passed, under the title of "a bill for the relief of the securities of the Unacoi Turnpike Company."

A message was received from the house of representatives by mr. Dawson their clerk, informing the senate that

The house of representatives had agreed to a resolution appropriating the sum of \$20 000 to the enlargement of the Representative Chamber.

The Senate adjourned until to-morrow morning 10 o'clock.

## FRIDAY, Dec. 7th 1827.

Mr. Clayton of Clark, from the committee appointed, reported a bill to quiet the claim and title of William Arnold and his assigns to lot 167 in the 9th district of Hall county,

Which was read the 1st time.

The senators from Effingham and Washington counties had leave of absence for a few days.

Mr. Ezzard reported from the committee appointed, a bill to authorize certain commissioners therein named to sell and dispose of fraction No. 364, in the 3d district Coweta county, to Robert Corry, sen. of DeKalb county, on certain conditions, which was read the 1st time.

Mr. Hoxey from the committee appointed, reported a bill for the relief of Lewis Lynch, which was read the first time.

Mr. Clayton of Clark reported instantler, a bill to facilitate the recovery of personal property in certain cases, which was read the 1st time, and presented a petition from John A. Jones, praying a loan of Darien Bills, which was read and referred to a committee.

consisting of Messrs Clayton of Clark, Brown of Monroe, and Law.  
on.

Mr. Ezzard reported instantler a bill to amend an act entitled an  
ct more effectually to compel justices of the peace and constables,  
pay over money received or collected by them in their official  
capacities, which was read the 1st time.

Mr. Holloway reported instantler, a bill to authorise William  
rice of Upson county, to erect and make permanent a Ferry across  
int river, at the place formerly known by the name of Smutti's  
erry, which was read the 1st time.

Mr. Beall, in compliance with a resolution passed in Senate, re-  
quiring the chairman of the printing committee to report to this  
ench of the Legislature, what contract (if any) for the job print-  
of the present session, and if none has been made, what propo-  
s have been made for the same—

Reported, That the joint printing committee met at an early  
y after their appointment, and on motion made by one of the  
ommittee, requiring a sub-committee to be appointed to contract  
the job printing, and to receive proposals for the printing of the  
ws and Journals of the present session, the chair then proceeded  
he appointment of Messrs. Jordan of Jones, Luckie, Walthour,  
nard and Burns to be that committee. They then proceeded  
otify the printers to hand in their proposals at the next meet-  
of the said printing committee, which took place in a few days.

Dennard handed a letter which was directed to the chairman  
he printing committee. On motion of Mr. Dennard to open  
letter, it was rejected. Then Mr. Jordan of Jones, moved to  
e up the reference from the House of Representatives, which  
agreed to—The reference from the H. of Representatives was  
taken up, to wit :

on motion of Mr. Burnett—*Resolved*, That the committee on  
ting, be instructed to enquire into the expediency of changing  
mode of providing for the execution of the public printing, so as  
establish the price by law, and make the printer elective, with  
e to report by bill or otherwise.

he committee to whom the references were referred, reported  
A to create the office, prescribe the duties, and fix the price of  
public printing. This bill was agreed to by the joint printing  
mittee, and directed to be reported in the House of Represen-  
es; which was done the 20th of November last, and now stands  
committee. In the meantime the Legislature ordered some  
printing to be done. The committee handed them over to the  
er of the last session, on the principle that has heretofore been  
on, that the printer of the last session, continues under the  
act of that session to do the work ordered by the present one,  
a new contract is made, or until a final disposition of the bill  
he aforementioned, reported by the committee, and now be-  
the H. of Representatives ; the committee cannot proceed to  
ae of the public work by contract, nor open the sealed propo-  
he joint printing committee refusing to do so—Which propo-  
herewith submitted; which was read and ordered to lie on  
able.

The bill to establish and make permanent, a Ferry across the Chattahoochee river, in the county of Gwinnett, at a place known by the name of Gates' Ferry, on his own land, and to vest the right thereof in Charles Gates and his heirs, and fix the rates of said Ferry, was read the second time and ordered for a third reading.

The following bills were read the second time, and ordered to committee of the whole :

A bill to incorporate a Bank in the city of Augusta to be denominated the Merchants and Planters Bank of the city of Augusta.

A bill to separate and divorce Polly Cleghorn and William Cleghorn her husband.

A bill to separate and divorce Fanny Thompson and Richard G. Thompson her husband.

A bill for the benefit of the citizens of Bibb county, residing on the East side of the Ocmulgee river.

A bill to divide the counties of Carrol and Coweta, into electoral districts, and to add a certain part of the Cherokee Nation to the county of Carrol for the purposes of giving criminal jurisdiction to the same. And

A bill to alter and amend in part, the Laws of this State regarding the descent of intestate's estates.

The bill to add a certain number of Trustees to the Laurensville Academy in the county of Gwinnett, was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to sell and dispose of the unsold lots in the town of Milledgeville and the public lands on the East and West side of the Ocmulgee River, near and adjoining the said town. Mr. Ezzard in the chair. The President having resumed the chair, Mr. Ezzard reported the bill with amendment.

Ordered, that the report lie on the table.

The Senate resolved itself into a committee of the whole; Mr. Moore in the chair, on the bill for the relief of Margaret Smith. The President having resumed the chair—Mr. Moore reported the bill with amendment. The Senate took up and agreed to the report. The bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to alter and amend an act entitled an act, to organize the Territory lately acquired from the Creek Indians, lying between the Flint and Chattahoochee rivers, passed on the 11th day of December, 1826, so far as to alter and fix the times of holding the Superior and Inferior Courts in the counties of Carrol, Fayette, Coweta, Troup, Muscogee and Lee. Mr. Coffee in the chair. The President having resumed the chair—Mr. Coffee reported the bill with amendment. The Senate took up and agreed to the report; the caption being amended, the bill was read the third time and passed, under the title of a bill to alter and fix the times of holding the Superior and Inferior Courts, in the Chattahoochee circuit, and to add the county of Fayette to the Flint circuit.

The Senate resolved itself into a committee of the whole, on the bill to empower the General Court of Pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy

and tenancy in common in this province, and appointing the method of proceeding therein, passed the 26th of March, 1767. Mr. Ray in the chair. The President having resumed the chair—Mr. Ray reported the bill with amendment—Ordered, that the report lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to rent certain reserves and improvements in the late acquired territory for the year 1828. Mr. Campbell in the chair. The President having resumed the chair—Mr. Campbell reported the bill without amendment.

Ordered, that the report lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to authorise Sheriffs in certain cases to give immediate possession to fortunate drawers of lots of land drawn by them in the late Land Lottery. Mr. Scarlett in the chair. The President having resumed the chair—Mr. Scarlett reported the bill without amendment—Ordered, that the report lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to amend an act, to render easy the mode of conveying lands, and for making valid all deeds and conveyances heretofore, that may be deficient in point of form. Mr. Hendrick in the chair.—The President having resumed the chair—Mr. Hendrick reported the bill with amendment.

Ordered, that the report lie on the table.

The Senate resolved itself into a committee of the whole, on the bill for the relief of persons in certain cases, who have purchased any part of the State's interest, in lots which have been condemned, and sold as fraudulently drawn within the counties of Bibb, Houston, Crawford, Henry, &c. Mr. Brown of Camden in the chair.—The President having resumed the chair—Mr. Brown reported the bill with amendment. The Senate took up and agreed to the report, the bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to authorise the Governor and Secretary of State, to correct any error that may have taken place, or may hereafter take place in issuing any grant or grants for any lot or lots of land in any of the land lotteries in this State. Mr. Cochran in the chair. The President resumed the chair, and Mr. Cochran reported the bill without amendment. The Senate took up and agreed to the report, the bill was read the third time and passed.

Mr. Scarlett from the committee on enrolment, reported as duly enrolled and signed by the Speaker of the H. of Representatives, an act to admit certain persons to plead and practice law in the several Courts of law and equity in this State, which was presented to, and signed by the President of the Senate.

Ordered, that the committee on enrolment, do carry said act to the Governor for his approval.

The following communications were received from the Governor by Mr. Pierce his Secretary :

EXECUTIVE DEPARTMENT, GA.,  
Dec. 6th, 1827.

A copy of a report made to this Department by Wm. Ashley, junr.

appointed under a resolution approved the 22d of Dec. 1826, to examine the 10th district of Lowndes county, formerly Irwin, is herewith transmitted to the General Assembly. Also a copy of his charge for performing that service. The resolution does not fix the compensation, nor is there any money appropriated for the payment of the examiner. It is for the General Assembly therefore, to judge of the nature of the service, and to make such appropriation as the nature of the case may require.

Signed,

JOHN FORSYTH.

Which was read, and with its accompanying document referred to a committee consisting of Messrs. Coffee, Scarlett and Powell.

EXECUTIVE DEPARTMENT, }  
Dec. 7th, 1827. }

Elizabeth C. Thomas, widow, of Clark county, obtained in the Lottery of 1820, a tract of Land. By the act of 1825, she was entitled as the widow of a Revolutionary soldier to one draw, and gave in her name accordingly, as appears by the original return filed in the Executive office. In making out the list of tickets, the commissioners of the late lottery by mistake, put into the wheel in her name two tickets, and both drew prizes Lot No. 139, 15th district Muscogee, and Lot No. 87, 26th district Lee. The death of Mrs. Thomas has vested all her right in E. L. Thomas, whose knowledge of the facts above stated, has induced him to address a letter to the Executive, of which a copy is herewith inclosed. The General Assembly will direct such disposition to be made of the Lot belonging to the State, as the public interest may appear to require.

Signed,

JOHN FORSYTH.

Which was read and referred to the committee on the State of the Republic.

A message was brought from the H. of Representatives, by Mr. Dawson its Clerk, informing the Senate, that

The House had passed the following bills :

A bill to alter and amend an act, entitled an act to alter and amend the 12th section of an act, to protect the estates of orphans, and to make permanent provision for the poor, passed 16th of December, 1811.

A bill to reduce the amount of Sheriffs' Bonds in this State, so far as respects the county of Ware.

A bill to authorise the commissioners of the Washington county Academy, to raise by Lottery the sum of ten thousand dollars

A bill to authorise an additional Volunteer Company of Riflemen in the county of Hall.

A bill to authorise the Justices of the Inferior court of Oglethorpe county, to lay an extra tax, to put and keep the public roads in said county in good order.

A bill to incorporate the Baptist and Presbyterian Churches in the town of Washington, Wilkes county, and

A bill to alter the road laws of this State, so far as respects the

unties of Jackson, Madison, Jones, Laurens, Jefferson, Pike, Harsham, DeKalb, Monroe, Putnam, Troup, Oglethorpe anduston.—Ordered, That the said message lie on the table.  
The Senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, 8th Dec. 1827.

Mr. Muncrief reported, instanter, a bill to authorise Obadiah C. berson, of the county of Warren, to plead and practice law in the vernal courts of law and equity in this State,  
Which was read the first time.

On motion of mr. Hawthorn,

Resolved, That the committee on Internal Improvement be instructed to enquire into the utility, practicability and propriety of opening and keeping in repair a public road, at public expense, to lead from Pindertown in Dooly county, the most direct route to unbridge in Decatur county, for the purpose of transporting the Alabama and other mails thereon, and that said committee be requested to report by bill or otherwise,

Mr. Leonard presented the petition of Spencer Phillips,

Which was read and referred to a committee consisting of messrs. Leonard, Gamble and Lawson.

Mr. Campbell, from the committee to whom was referred the memorial of George B. Whitfield, Reported—

That they have had the same under consideration, and are of the opinion that the prayer of the petitioner ought to be heard, and therefore recommend the following resolution :

Resolved, That the commissioner who has control of the execution in favor of the State vs. said Whitfield and security be and hereby required to stay further proceedings until the 1st of May, 1829,

which was read and ordered to lie on the table.

On motion of mr. Scarlett,

The senate took up the resolution of the 28th ult. relative to the settled accounts of William Scott, jun. former tax collector of Eden county, and referred said resolution to the committee on Finance.

Mr. Coffee, from the committee to whom was referred the petition of John G. Smylie, Reported—

That they have had the same under serious consideration, and are of opinion that it is contrary to the policy of the government to grant the petitioner's prayer, and pray to be discharged from the further consideration of the said petition,

which was read and agreed to.

The following bills were read the second time and ordered for a third reading by yeas and nays.

Bill to quiet the claim and title of Wm. Arnold and his assigns to land in the 9th dist. of Hall county.

Bill for the relief of Lewis Lynch.

A bill to authorise certain commissioners therein named to sell and dispose of fraction No. 364 in the 3d district of Coweta county to Robert Curry, sen. of DeKalb county, on certain conditions.

A bill to facilitate the recovery of personal property in certain cases.

A bill to amend an act entitled an act more effectually to compel Justices of the Peace and Constables to pay over moneys received or collected by them in their official capacities—and

The bill to authorise Wm. Trice of Upson county to erect and make permanent a ferry across Flint river, at the place formerly known by the name of Smutti's ferry,

Was read the second time and ordered for a committee in June next.

The bill to establish and make permanent a ferry across the Chatahoochee river in the county of Gwinnett, at a place known by the name of Gates' ferry, on his own land, and to vest the right thereof in Charles Gates and his heirs, and fix the rates of said ferry,

Was read the third time and passed.

The senate took up the report on the bill to sell and dispose of the unsold lots in the town of Macon, and the public lands on the East and West side of the Ocmulgee river, near and adjoining the said town, &

Which was amended and agreed to,

And the caption being made to correspond with the provisions of the bill, it was read the third time and passed, under the title of "a bill to sell and dispose of the unsold lots in the town of Macon, and the public lands on the east and west side of the Ocmulgee river near and adjoining the said town, and also the Bridge across the Ocmulgee river at Macon.

The senate took up, amended and agreed to the report on the bill to amend an act entitled an act to empower the General Court of Pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenancy in common in this province, and appointing the method of proceeding therein, passed the 28th of March, 1767.

The bill was read the third time and passed.

The senate took up, amended and agreed to the report on the bill to rent certain reserves and improvements in the late acquired territory for the year 1828.

The bill was read the third time and passed.

The senate took up, amended and agreed to the report on the bill to render easy the mode of conveying lands, and for making valid all deeds and conveyances heretofore that may be deficient in point of form.

The bill was read the third time and passed.

On motion,

The senator from Columbia had leave to withdraw the bill to compensate petit jurors, and for other purposes, the President having expressed an opinion that it was an appropriation bill, and consequently should have originated in the house of representatives.

The senate resolved itself into a committee of the whole on the

bill to incorporate Rock Spring Academy, and to appoint trustees for the same—mr. Wilson in the chair.

The President having resumed the chair, mr. Wilson reported the bill without amendment.

The senate took up and agreed to the report. The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, on the bill to add a part of the county of Lee to the county of Baker—mr. McDougald in the chair.

The President having resumed the chair, mr. McDougald reported disagreement to the bill. The senate took up, and on motion to agree thereto, the yeas and nays being required, it was determined in the affirmative. The yeas are 37, the nays are 15.

Those in the affirmative are Messrs.

Baber	Holloway	Remson
Blair of Habersham	Janes	Ryalls
Blair of Lowndes	Jordan	Scarboro
Brown of Camden	Lawson	Scarlet
Clayton of Clark	Leonard	Sellers
Cochran	Luckie	Smith
Cosby	McTyre	Spann
Denmark	Miller	Swain
Dunagen	Moncrief	Tillman
Fulwood	Munroe	Walthour
Gamble	Powell	Wimberly
Harris	Ray	Wooton
Hawthorn		

Those in the negative are Messrs.

Allen	Crawford of Columbia	Phillips
Anderson	Davies	Porter
Brown of Monroe	Groves	Thomas
Campbell	Hendrick	Wilson
Cargille	Martin	Worthy

The senate resolved itself into a committee of the whole on the bill to amend the Judiciary of this State, so far as relates to the jurisdiction of Justices of the Peace—mr. Thomas in the chair.

The President having resumed the chair, mr. Thomas reported disagreement to the bill. The senate took up, and on motion to agree thereto, the yeas and nays being required, it was determined in the affirmative. The yeas are 43—the nays are 13.

Those in the affirmative, are Messrs.

Allen	Coffee	Hendrick
Anderson	Crawford of Columbia	Hicks
Baber	Davies	Holloway
Blair of Habersham	Denmark	Janes
Brown of Camden	Ezzard	Jordan
Brown of Monroe	Fulwood	Leonard
Clayton of Clark	Groves	Luckie
Cochran	Harris	Martin



McDougald  
Moncrief  
Moore  
Monroe  
Phillips  
Powell

Ryalis  
Scarboro  
Scarlet  
Sellers  
Smith  
Spagn

Thomas  
Walthour  
Wilson  
Wimberly  
Wooten  
Worthy

Those in the negative are, messrs.

Blair of Lowndes  
Campbell  
Cargille  
Cosby  
Dunagen

Gamble  
Hawthorn  
Lawson  
McTyre

Miller  
Porter  
Remson  
Swain

The senate resolved itself into a committee of the whole on the bill to alter and amend the 2d section of the 4th article of the constitution of this State—mr. Blair of Habersham in the chair.

The President having resumed the chair, mr. Blair reported the bill with amendment.

Ordered, that the report lie on the table

The Senate resolved itself into a committee of the whole, on the bill to ascertain and fix the fees of public officers, where the same is not ascertained by law—mr. Scarlett in the chair.

The president having resumed the chair, mr. Scarlett reported the bill with amendment.

Ordered, that the report lie on the table.

The following message was received from the house of representatives by mr. Dawson their clerk :

*Mr. President—*

The House of Representatives have passed the following bills, to wit —

A bill to repeal an act passed the 24th day of December, 1825, making permanent Pierce A. Lewis' ferry on the Ocmulgee river in Jones county.

A bill to separate and divorce Sarah Booth and Wiley Booth her husband.

A bill to separate and divorce James and Mary Fountain.

A bill to authorise the commissioners appointed to lay off the town of Macon, to convey titles in fee simple to a certain portion of land to the Trustees of the Methodist Episcopal Church, for the erection of a parsonage and other out buildings.

A bill to incorporate the Savannah Steam Rice-mill company.

A bill to reduce and fix the fees of the Jailor of Chatham county.

A bill to authorise the Inferior court of Habersham county to remit a fine incurred by James Gaddis—and

A bill to authorise the Sheriff of Hancock county, and his successors in office, to publish their sales of property levied on under execution in a newspaper published at Mount Zion in said county, entitled the Hancock Advertiser.

They have agreed to a resolution requesting the Inferior courts of Jones and Monroe counties to rescind the order or orders granted

to Pierce A. Lewis, authorising him to establish a ferry across the Ocmulgee river in Jones county,

To which they desire concurrence.

Mr. Spann, from the Penitentiary committee, made a report embracing the report of the Keeper and documents,

Which were ordered to lie on the table.

Mr. Clayton of Clark laid on the table the following resolution, accompanied with a letter from Julius C. Alford, Esq.

*Resolved*, That his excellency the governor be, and he is hereby requested to respite the execution of Ludwell Watts, now under sentence of death in the county of Butts, until the first day of December, 1828.

The senate adjourned until Monday morning 10 o'clock.

### MONDAY, 10th Dec. 1827.

On motion of mr. Holloway,

The senate reconsidered so much of their Journal of Saturday last as relates to the commitment until June next of a bill to authorise Vm. Trice of Upson county to erect and make permanent a ferry cross Flint river, at the place formerly known by the name of Smut-ter's Ferry.

Ordered, that said bill be engrossed for a third reading.

On motion of mr. Porter,

The senate reconsidered so much of their journal of Saturday last as relates to the report of the committee of the whole on the bill to add a part of the county of Lee to the county of Baker.

Ordered, that said bill lie on the table.

Mr. Baber, from the committee to whom was referred the reports of the several county academies, made a report, which was read, and,

On motion of mr. Clayton of Clark,

Two hundred copies of said report were ordered to be printed for the use of the legislature.

Mr. McTyre had leave to report, instantler, a bill to incorporate the Augusta Library Society,

Which was read the first time.

The senate took up the several messages of the house of representatives, and the bills therein contained

Were severally read the first time:

The senate took up and concurred in the resolution of the house, requesting the Governor to pay the late State-house officers the proportion of salary due them according to the salaries received by them for the last year, out of the contingent fund of 1827, and that he also pay them the amount of fees due them on grants for land drawn in the lottery of 1827, at the rates prescribed by the act of the 24th December, 1821, to establish the fees of the public officers

on grants issued for the land obtained from the Creek and Cherokee Indians.

The senate took up the following resolution of the house of representatives :

*Resolved*, That the sum of twenty thousand dollars be, and the same is hereby appropriated for the purpose of enlarging the State house for the accommodation of the legislature, upon such plan as may be adopted by this legislature, or by a committee appointed for that purpose, and that the same be inserted in the appropriation bill of this session, and on motion to concur therein,

The yeas and nays being required, it was determined in the affirmative. The yeas are 43, the nays are 20.

Those in the affirmative are, Messrs.

Allen	Gamble	Moncrief
Anderson	Groves	Moore
Baber	Harris	Munroe
Beall	Hawthorn	Phillips
Blair of Habersham	Hoxey	Porter
Blair of Lowndes	Jones	Ray
Brown of Camden	Jordan	Ryalls
Clayton of Clark	Leonard	Scarlett
Clayton of Pulaski	Luckie	Smith
Cosby	Martin	Spann
Crawford of Columbia	Maxwell	Thomas
Crawford of Hancock	McDougald	Waltheur
Davies	McTyre	Williams
Ezzard	Miller	Worthy
Fulwood		

Those in the negative are, Messrs.

Brown of Monroe	Dunagen	Sellers
Burton	Hendrick	Swain
Campbell	Hicks	Tillman
Cargille	Holloway	Wilson
Cochran	Powell	Wimberly
Coffee	Remson	Wooten
Denmark	Scarboro	

The resolution requesting the Inferior courts of Monroe and Jones counties to rescind the order or orders by them or either of them granted to Pierce A. Lewis, relative to the establishment of a ferry across the Ocmulgee river in Jones county,

Was ordered to lie on the table.

The senate, on motion, took up the resolutions of the house of representatives of the 22d of November, 1827, relative to an appropriation of two thousand dollars to the repairing and painting of the government house, and for furnishing the same, and for other purposes, and concurred therein by striking out so much of the resolutions as relates to the selling of the furniture now in the government house at public outcry.

On motion,

The secretary was directed to carry the resolutions just concurred in to the house of representatives.

Mr. Baber had leave to report, instantler, a bill to authorise Joshua Harris to establish a ferry on his own land across the Ocmulgee river,

Which was read the first time.

Mr. Clayton of Clark submitted for the consideration of the senate, a paper relative to the objections to the Penitentiary system,

Which was read and ordered to lie on the table.

On motion of Mr. Hendrick, to take up the preamble and resolution referring the Penitentiary system to the people,

The yeas and nays being required thereon, it was determined in the affirmative. The yeas are 29—the nays 27.

Those in the affirmative are, Messrs.

Anderson	Dunagen	Scarlet
Beall	Fulwood	Sellers
Burton	Harris	Spann
Cargille	Hendrick	Swain
Clayton of Pulaski	Hoxey	Thomas
Cochran	Martin	Tillman
Coffee	Porter	Wilson
Cosby	Powell	Wooten
Cavies	Ray	Worthy
Cenmark	Remson	

Those in the negative are, Messrs.

Ellen	Gamble	McTye
Hair of Habersham	Groves	Miller
Hrown of Camden	Holloway	Moore
Hrown of Monroe	Janes	Munroe
Kempbell	Jordan	Phillips
Klayton of Clark	Leonard	Scarborough
Kawford of Columbia	Luckie	Walthour
Kawford of Hancock	Maxwell	Williams
Kzard	McDougald	Wimberly

The preamble and resolution having been read as follows :

“Whereas, the Penitentiary System is a subject in which a considerable interest is felt by the citizens of this State, and whereas a very considerable difference of opinion is entertained with regard to its utility, both as to its moral and pecuniary influence ; and whereon all subjects of such importance to the public, it is desirable, that the representatives of the people and the people themselves, ascertain as nearly as practicable the wishes of the people,  
Be it therefore resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That it shall be the duty of the magistrates presiding at the next general election in the several counties in this State, for members of the legislature, to propose to each and every voter at the time of receiving his vote, whether he is in favor of continuing the penitentiary system in this State or not, and to request such voter to signify his opinion in the

following manner, to wit: Those in favor of its continuance, by endorsing on his ticket the word "*Penitentiary*," and those opposed to it the words "*No Penitentiary*;" and on counting out the ballots, to annex to the return a true statement of the votes so given to the end that the same may be laid before the next legislature by his excellency the governor.

*And be it further resolved*, That his excellency the governor hereby requested to have the foregoing preamble and resolution published in all the public gazettes in this State for six months preceding the next general election,"

Mr. Crawford of Columbia moved to amend the preamble by inserting after the words "*Penitentiary system*" the words "*Bills for divorces, changing the names of persons, legitimatizing illegitimate children*,"

When, on motion to lay the original resolution and amendment on the table the remainder of the session,

The yeas and nays being required, it was determined in the affirmative. The yeas are 36—the nays are 27.

Those in the affirmative are Messrs.

Allen	Hicks	Moore
Baber	Holloway	Munroe
Blair of Habersham	Hoxey	Phillips
Brown of Camden	Janes	Porter
Brown of Monroe	Jordan	Ray
Clayton of Clark	Leonard	Ryalls
Crawford of Columbia	Luckie	Scarborough
Crawford of Hancock	Maxwell	Sellers
Davies	McDougald	Smith
Ezzard	McFyre	Walthour
Gamble	Miller	Williams
Groves	Moncrief	Wimberly

Those in the negative are Messrs.

Anderson	Cosby	Ramson
Beall	Denmark	Scarlett
Blair of Lowndes	Dunagen	Spann
Burton	Fulwood	Swain
Campbell	Harris	Thomas
Cargille	Hawthorn	Tillman
Clayton of Pulaski	Hendrick	Wilson
Cochran	Martin	Wooten
Coffee	Powell	Worthy

The senate took up and agreed to the report of the joint Penitentiary committee, which is as follows:

The joint Penitentiary committee have performed the duties assigned them, and Report—

That they have examined the buildings generally, and find no repairs necessary at present, and that the business of the different departments are conducted in a manner highly creditable to the officers of the Institution.

Your committee would refer the house, for a particular detail of the transactions of the last year, to the reports of the Principal Keeper and the Board of Inspectors.

Your committee, in regard to the reference from the house of representatives, to enquire into the expediency of abolishing the office of the Board of Inspectors, are of the opinion that the same cannot be done without manifest injury to the institution, inasmuch as it constitutes the only check to the abuse of power which might be exercised to the injury of the convicts.

Your committee regret that the institution, from the defect of its internal police, as yet has not realized the expectations of its founders, in producing that reformation in the minds and habits of the convicts, which was so fondly anticipated. The most prominent of these defects we hold to be the promiscuous association of the convicts. Vice has its shades, and guilt its colors—the grey head of infamy requires the arm of Omnipotence to work its reformation, and youth, with present hopes deceived and a dark futurity in prospect, are too apt to look with complacency on the demoniac smile of guilt.

Your committee would respectfully suggest, that the uncertainty of the duration of punishment, from the frequency of pardons, tends in a measure to increase crime—for it is in direct violation of the established maxim, that the certainty, more than the severity of punishment, deters from the commission of crime.

Your committee are of the opinion, that no officers of the Penitentiary should be allowed to furnish any of the raw materials necessary for the institution, either directly or indirectly, disclaiming at the same time any intention to censure any of the officers of the institution, but simply believe it to be a bad precedent, and that abuses might in time grow out of the practice ;

And your committee would therefore recommend the following resolution ;

*Resolved*, That in future it shall be the duty of the Principal Keeper to make out a bill of the coal and lumber that may be wanting in the institution from time to time, and that he lay the same before the Board of Inspectors, whose duty it shall be to give thirty days notice in one or more papers in this place, of the supplies so wanted, and received sealed proposals and let the same to the lowest bidder.

The senate took up the report on the bill to ascertain and fix the fees of public officers where the same is not ascertained by law, and, on motion, ordered it to lie on the table the remainder of the session.

The senate took up the report on the bill to authorise Sheriffs in certain cases to give immediate possession to fortunate drawers of lots of land drawn by them in the late land lottery, and, on motion, it was ordered to lie on the table the remainder of the session.

The senate took up and agreed to the report on the bill to alter and amend the second section of the fourth article of the constitution of this State.

The bill was read the third time, and on the passage of the bill.

the yeas and nays being required, it was determined in the negative, there not being a constitutional majority.

The yeas are 32, the nays are 28.

Those in the affirmative are, Messrs.

Anderson	Denmark	Powell
Blair of Lowndes	Dunagen	Remson
Brown of Monroe	Groves	Scarlett
Cargille	Hendrick	Sellers
Clayton of Clark	Hicks	Spann
Clayton of Pulaski	Hoxey	Swain
Cochran	Leonard	Wilson
Coffee	Maxwell	Wimberly
Cosby	Miller	Wooten
Crawford of Columbia	Phillips	Worthy
Crawford of Hancock	Porter	

Those in the negative are, Messrs.

Allen	Hawthorn	Munroe
Beall	Halloway	Ray
Blair of Habersham	Janes	Realls
Burton	Jordan	Scarboro
Campbell	Luckie	Smith
Davies	Martin	Thomas
Ezzard	McDougald	Tillman
Fulwood	McTyre	Walthour
Gamble	Moncrief	Williams
Harris	Moore	

The bill to authorise Obadiah C. Gibson, of the county of Warren, to plead and practice law in the several courts of law and equity in this State,

Was read the second time and ordered for a third reading.

The reconsidered bill to authorise William Trice of Upson county to erect and make permanent a ferry across Flint river, at the place formerly known by the name of Smutti's ferry,

Was read the third time and passed.

The Senate resolved itself into a committee of the whole, Mr. Wimberly in the chair, on the bill to add a part of the county of Houston to the county of Pulaski.

The President having resumed the chair, Mr. Wimberly reported the bill without amendment. The senate took up and agreed to the report. The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Hoxey in the chair, on the bill to alter and amend the first section of the third article of the constitution of the State of Georgia.

The President having resumed the chair, Mr. Hoxey reported the bill with amendment.

Ordered, that the report lie on the table.

The senate resolved itself into a committee of the whole, on the bill to carry into effect the 8th section of the 3d article of the constitution—Mr. Beall in the chair.

The President having resumed the chair, Mr. Beall reported progress and had leave to sit again.

Mr. Scarlett laid on the table the following resolution :

*Resolved*, That both branches of the legislature will convene in the representative chamber at 3 o'clock P. M. on Thursday next, for the purpose of electing a Principal Keeper of the Penitentiary and three Inspectors.

A message was received from the Governor by Mr. Pierce his secretary, informing the senate that the Governor had approved and signed the resolution which originated in senate for the relief of John Keener,

And the following communication :

Executive Department, Geo. }

December 8th, 1827. }

Moses Brinson and Sarah Smith of Jefferson county, and Jacob Barrow of Baldwin county, drew in the late lottery the following tracts of land—Brinson; 219 4th district of Muscogee, Sarah Smith No. 131. 16th district of Muscogee, Jacob Barrow No. 13 6th dist. of Coweta. These tracts belong to the State; the persons who drew them are aware of the errors committed in having had their names returned to the lottery commissioners, and have severally explained satisfactorily the sources of those errors. Copies of their communications are herewith transmitted to the general assembly.

Signed,

JOHN FORSYTH.

Which was read and referred to a committee consisting of Messrs. Gamble, Leonard and Martin.

The Senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, 11th Dec., 1827.

On motion of Mr. Swain, to reconsider so much of the journal of yesterday as relates to the resolution and amendment thereto, requiring the sense of the people on the subject of the propriety of abolishing the Penitentiary system, &c. and on the question to reconsider, it was determined in the negative.

The yeas and nays being required, are yeas 27, nays 35.

Those in the affirmative are Messrs.

Anderson

Coffee

Powell

Beall

Cosby

Remson

Blackstone

Denmark

Scarlet

Blair of Lowndes

Dunagen

Spann

Burton

Folwood

Swain

Campbell

Hawthorn

Thomas

Cargille

Hendrick

Tillman

Clayton of Pulaski

Hicks

Wilson

Cochran

Holloway

Worthy



Those in the negative, are Messrs.

Allen	Hoxey	Phillips
Blair of Habersham	Janes	Ryalls
Brown of Camden	Jordan	Scarboro
Brown of Monroe	Leonard	Sellers
Clayton of Clark	Luckie	Sledge
Crawford of Columbia	Maxwell	Smith
Crawford of Hancock	McDougald	Tennille
Davies	McTyre	Walthour
Ezzard	Miller	Williams
Gamble	Moncrief	Wimberly
Groves	Moore	Wooten
Harris	Munroe	

On motion of mr. Gamble,

The senate reconsidered so much of their journal of yesterday as respects the ordering of the report on the bill to ascertain and fix the fees of public officers, where the same is not ascertained by law to lie on the table the remainder of the session.

The reconsidered report was then ordered to lie on the table for the present.

On motion of mr. Blair of Habersham, to take up a resolution on the table requesting the Governor to suspend the execution of Ludwell Watts until the 1st day of Dec. 1828,

The yeas and nays being required, it was determined in the negative. The yeas are 24—the nays are 40.

Those in the affirmative are, messers.

Allen	Dunagen	Remson
Anderson	Ezzard	Scarboro
Blair of Habersham	Harris	Sellers
Brown of Camden	Hendrick	Spann
Clayton of Clark	Hicks	Tennille
Clayton of Pulaski	Luckie	Thomas
Cochran	Porter	Wooten
Coffee	Powell	Worthy

Those in the negative are Messrs.

Beall	Hawthorn	Munroe
Blackstone	Holloway	Phillips
Blair of Lowndes	Hoxey	Ray
Brown of Monroe	Janes	Ryalls
Campbell	Jordan	Scarlet
Cargille	Leonard	Sledge
Cosby	Martin	Smith
Crawford of Columbia	Maxwell	Swain
Crawford of Hancock	McDougald	Tillman
Davies	McTyre	Walthour
Denmark	Miller	Williams
Fulwood	Moncrief	Wilson
Gamble	Moore	Wimberly
Groves		

Mr. Crawford of Columbia, from the joint special committee appointed to count the money in the Treasury, and see the same delivered over by the late to the present Treasurer, having performed that duty, Reported—

By the annual reports of the late Treasurer and Comptroller general, submitted to this legislature at the commencement of the session, it appears that the cash balance in the Treasury on the 31st day of October last, then amounted to the sum of \$633,444 38  
 The late Treasurer paid over to Hines Holt, Esq. Treasurer, the amount received by him from the 1st to the 24th of November last, the sum of 27,513 10

Making, \$660,957 48

The late Treasurer exhibited to the committee sundry warrants drawn on the Treasury, which had been paid by him, from the 1st to the 24th day of November last, both days included, amounting \$23,654 34

Which being deducted from the amount of cash in the Treasury as abovementioned, shews the balance in cash in the treasury 24th day of November last, where James Bozeman, Esq. ceased to act as treasurer, to be \$637,303 14

Which balance your committee have seen counted and delivered over to the present Treasurer, Hines Holt, Esq. in Bank notes and specie, to wit:

Bank notes of the Darien Bank	\$490,261
Do " State Bank	117,505
Do " Augusta do	3,065
Do " Planters' do	6,125
United States' Bank notes and checks	19,303 41
silver French crowns and half crowns	1,043 90
	<hr/>
	\$637,303 31

Which amount, with the exception of the Darien Bank bills, your committee have delivered over to the present Treasurer unsealed. Your committee have sealed up and delivered to the Treasurer Darien Bank Bills, in packages numbered from one to six inclusive, to-wit:

Package No. 1 contains Darien bills amounting to	\$117,500
Do " 2 " " " " "	137,500
Do " 3 " " " " "	113,000
Do " 4 " " " " "	12,661
Do " 5 " " " " "	72,450
Do " 6 " " " " "	37,150

Making, \$490,261

which add the amount of specie, United States' Bank notes and checks, the bills of the Bank of the State of Georgia, Augusta and Planters' Banks, de-

livered to the present Treasurer unsealed, is

\$147,042 1/4

Which make the amount in the Treasury

\$637,303 1/4

Which was delivered over by the committee to the present treasurer, Hines Holt, Esq. on the 31 day of Dec. 1827.

Your committee further Report—

That they have sealed up in three packages—Nos. 1 and 2 contain the Governor's, President and Speaker's Warrants, paid by the late treasurer, for the political years 1825 and 1826, ending on the 31st day of October last; and No. 3 contains Governor's warrants paid by the late treasurer from the 1st to the 24th day of Nov. last, both days included,

Which was read and agreed to.

Mr. Baber reported, instantler, a bill to divorce Catherine Wilson and John Wilson her husband,

Which was read the first time.

Mr. Scarlet reported, instantler, a bill to alter and amend the road law of Glynn county,

Which was read the first time.

Mr. McDougald reported, instantler, a bill to incorporate the town of Columbus in Muscogee county,

Which was read the first time.

Mr. Muncrief, from the committee on Public Education and Free Schools, reported a bill to establish a board of visitors to the poor schools, and to require teachers in the several districts to report the number of poor children and teach the same,

Which was read the first time.

Mr. Clayton of Clark reported, instantler, a bill to regulate intercourse between the several chartered banks and branch banks in this State, so far as relates to demand of payment from one another of the notes issued by them respectively,

Which was read the first time

The senate took up the report of the committee on Petitions in favor of Archibald Henderson of Henry county, of the 28th ult. and on motion to agree thereto, the yeas and nays being required, it was determined in the negative. The yeas are 4—the nays are 60.

Those in the affirmative are Messrs.

Cochran

Powell

Sellers

Hicks

Those in the negative are Messrs.

Allen

Burton

Denmark

Anderson

Campbell

Dunagen

Baber

Cargille

Ezzard

Beall

Clayton of Clark

Fullwood

Blackstone

Clayton of Pulaski

Gamble

Blair of Habersham

Coffee

Groves

Blair of Lowndes

Crawford of Columbia

Harris

Brown of Camden

Crawford of Hancock

Hawthorn

Brown of Monroe

Davies

Hendrick

Howay	Moncrief	Smith
Key	Moore	Spann
Les	Munroe	Swain
rdan	Phillips	Tennille
onard	Porter	Thomas
ckie	Ray	Tillman
rtin	Remson	Walthour
ixwell	Ryalls	Williams
Dougald	Scarborough	Wimberly
Tyre	Scarlett	Wooten
lier	Sledge	Worthy

On motion of Mr. Coffee, it was

*Resolved*, That the senate have the power to *recommend* to the use of representatives *any appropriation of money*.

Mr. Gamble from the committee to whom was referred the petition of Spencer Phillips—reported, that they have had the same under consideration together with the documents accompanying the same, and believe that the prayer of the petitioner is reasonable and ought to be granted, and therefore recommend the following resolution:

*Resolved*, That the sum of twenty dollars and twenty five cents principal, and the further sum of four dollars for grant fee, be included in the appropriation law for the use of, and to be paid to the said Spencer Phillips for so much money paid by him to the State, which he has received no consideration, which was read and agreed to.

Mr. Ezzard presented the petition of William Smith, which was read and referred to the committee on petitions.

Mr. Campbell presented the memorial of Wesley Williams, which was read and referred to a committee consisting of Messrs. Campbell, Wilson and Porter.

Mr. Moore presented the petition of John M. Patrick, which was read and referred to a committee consisting of Messrs. Moore, Clay-son of Clark, and Worthy.

The following message was received from the H. of Representatives by Mr. Dawson their clerk:

*Mr. President—*

The H. of Representatives have agreed to the report and resolutions on the petition of the commissioners of the Macon bridge.

For a resolution in favor of Col. Warren Jourdan, in relation to securityship to William W. Brown, &c. to which they desire concurrence.

They have passed the following bills, to wit—

A bill to authorise the Justices of the Inferior Court of Wayne county, to sell the Academy in Wayne, &c.

A bill to change the name of John Wesley McGhough, to the name of John Wesley Searcy, and to entitle him to a distributive share of Benjamin R. Searcy's estate.

A bill to authorise the Inferior Court of Butts county, to levy a tax for county purposes.

A bill to appoint trustees for the poor school fund for the county of Irwin.

A bill to amend the second section of an act, to alter and amend an act, passed the twenty third day of December, eighteen hundred and twenty-two, to distribute the Bank dividend, and other nett proceeds of the poor school fund amongst the different counties in this State, so far as respects the county of Jones.

A bill to incorporate the Troup county Academy, and

A bill to provide for the recording of deeds of mortgage upon real and personal property within this State, and to define the lien of the same, and also to amend an act entitled an act, to admit certain deeds to record, and to authorise the same or copies thereof to be read in evidence, and also the copies of certain other deeds and for other purposes.

And they have passed the bill of Senate, to alter and fix the time of holding the Superior and Inferior Courts in the Chatahoochee circuit, and to add the county of Fayette to the Flint circuit.

The bill to authorise Joshua Harris to establish a Ferry on his own land over the Ocmulgee River. And

The bill to incorporate the Augusta Library Society, were read the second time, and ordered for a third reading.

The bill to authorise Obediah C. Gibson of the county of Warren, to plead and practice law in the several Courts of Law and Equity in this State, was read the third time and passed.

The Senate again resolved itself into a committee of the whole, on the bill to carry into effect the 8th section of the 3d article of the constitution. Mr. Blair of Habersham in the chair. The President having resumed the chair—Mr. Blair reported disagreement to the bill, the Senate took up and agreed to the report.

The report on the bill to alter and amend the 1st section of the 3d article of the constitution of the State of Georgia, was read and ordered to lie on the table for the present.

The Senate resolved itself into a committee of the whole, on the bill to amend an act to compel the Judges of the Superior Courts of this State, to convene at the seat of Government in this State once in each year, for the purpose of establishing uniform rules of practice throughout this State, passed the 24th December, 1821, and also to authorise said Judges to decide questions of Law reserved by them or either of them, in their several circuits, and to make such decisions binding and obligatory upon the said several Judges.—Mr. Powell in the chair. The President having resumed the chair, Mr. Powell reported progress and had leave to sit again.

Mr. Coffee from the committee on Finance, to whom was referred the petition of Eliza Mackay—reported,

That having examined the same are unable to perceive the justice of the application, and therefore beg to be discharged from the further consideration of the subject, which was read and agreed to.

Mr. Coffee from the committee on Finance, to whom was referred the examination of the Comptroller General office—reported,

That they have examined the books thereof, and find them kept in a manner creditable to that officer, and to correspond with his report, so far as they have examined. They also find in that

office a great number of bonds and some receipts for bonds given out for collection, and believe them to be as set forth in the schedule of that officer, but they have not time to go into a minute examination thereof, they also find the books and records of that office all brought up to the 31st of the past month.

The committee on Finance to whom was confided the duty of examining the Treasury—report,

That they have performed that duty, and find that the Treasurer's abstract exhibiting a balance in the Treasury, on the 31st October last, of six hundred and thirty three thousand four hundred and forty four dollars and thirty-eight cents is correct, and that they have also examined his receipts and disbursements from the 1st to the 24th November inclusive, and find that there is a balance due the State upon the business of that time of three thousand eight hundred and fifty-eight dollars and seventy-six cents, making together six hundred and thirty-seven thousand three hundred and three dollars and fourteen cents due the State. We further beg leave to add, that the books and accounts of that office have been kept in a manner highly creditable to him.

The committee would here remark that previous to their being able to bring their duties to a close agreeably to their instructions, they have been relieved from an important part of their duty by the appointment of a joint committee of both branches of the Legislature to count and deliver over the money in the hands of the State Treasurer to the present incumbent.

We beg leave to recommend that the Treasurer's abstract, the Comptroller General's report, and the list of warrants drawn by his Excellency the Governor and referred to this committee, be considered as part of this report and made to the House, which was read and ordered to lie on the table.

Mr. Coffee from the committee on Finance, to whom was referred the report of Mortimer R. Wallis, State's agent, having had the same under consideration—reported,

That agreeable to the account rendered they find that rents within the reserve at Fort Hawkins including the Ferry, amounted to five thousand five hundred and six dollars and seventy five cents, and that the said agent has on hand notes to the amount of nineteen hundred and sixty-five dollars and seventy five cents, and that he has received in cash, three thousand five hundred and forty-one dollars, of this amount he has paid into the treasury as per receipt bearing date the 4th of December, 1827, the sum of twenty-four hundred and thirty nine dollars and sixty-five cents, reserving to himself 20 per cent commissions on the above amount of five thousand five hundred and six dollars and seventy five cents, making the sum of eleven hundred and one dollars and thirty-five cents. Your committee believing that the said Mortimer R. Wallis, agreeable to a resolution passed in 1822, is not entitled to receive and retain but ten per cent commission for his services as State's agent, which would make the sum of five hundred and fifty dollars sixty-seven cents.

*Resolved therefore,* That Mortimer R. Wallis be and he is hereby required forthwith to pay into the Treasury the sum of five hun-

dred and fifty dollars sixty seven and one half cents, that being the balance of the money remaining in his hands unlawfully detained, which was read and ordered to lie on the table.

Mr McDougald from the committee to whom was referred the petition of Sowell Woolfolk, and John Wimberly having had the same under consideration—reported,

That from the documents submitted, it appears that Sowell Woolfolk one of the petitioners, on the 5th day of February, 1827, rented a part of the reserve at the old agency on Flint river, containing the public Ferry, at the public renting of the reserves and fractions by the commissioner of the State. That at the time the said renting took place, the State's commissioner gave to the said Woolfolk, a certificate stating that the petitioner had "rented the Ferry at the old agency on Flint river with the exclusive privilege of keeping a Ferry upon the reserve, and that he was entitled to all the ferry landings that were then made or that might be made upon the reserve with the State's interest in the flat and ferry rope, and that he was entitled to immediate possession of the ferry and appurtenances." That from the manner of the renting and the nature of the certificate given by the commissioner, to said Woolfolk, your committee would conceive that the petitioners might have reasonably calculated on the enjoyment of all the profits and privileges of said ferry to the exclusion of all others on said reserve.

It further appears to the committee, that said petitioners were greatly interrupted, and their rights prejudiced by the establishment of another ferry a few hundred yards below the ferry rented by the petitioners, which was kept up a considerable time as a free Ferry for the express purpose as your committee conceive of injuring the ferry of the petitioners, and by reason of which the rights of the petitioners were greatly prejudiced in violation of the pledge of the State's commissioner contained in the terms of renting, and his certificate as aforesaid—therefore as an act of justice to the petitioners, your committee recommend the adoption of the following resolution :

*Resolved*, That the bond or note of the petitioners for the rent of said ferry and appurtenances be given up to the petitioners upon their rendering a true account upon oath to the treasurer of this State, of all the monies received by them at said ferry, together with the expences incurred at the same, and paying the balance, after deducting said expences, into the treasury of the State—Provided, that should the expences at said ferry exceed the amount of the receipts at the same, that the State shall not be considered as bound to make the deficiency good to the petitioners ; and provided also, that the petitioners shall not be entitled to any of the benefits of this resolution, unless the requisitions of the same, be complied with by them within 60 days after the approval hereof, which was read and ordered to lie on the table.

The Senate adjourned until to-morrow morning half past 9 o'clock.

WEDNESDAY, 12th Dec. 1827.

On motion of *mr. Davies*,

The senate reconsidered so much of their journal of yesterday as relates to the agreement to the report of the committee on Finance on the petition of *Eliza Mackay* of Savannah.

*Mr. Powell* reported, instantler,

A bill to extend the laws regulating the Health office of the city of Savannah to the city of Darien—and

A bill to carry into more general effect executions issuing from the mayor's court of the city of Darien,

Which were read the first time.

The senate took up and concurred in the resolution of the 10th inst. relative to the election of a Principal Keeper and three Inspectors of the Penitentiary, by striking out "Thursday at 3 o'clock P. M." and inserting "Saturday next at 3 o'clock P. M."

The senate took up the message of the house of representatives of yesterday, and the bills therein contained were read the first time.

The senate took up and concurred in the resolution of the house of representatives in favor of *Warren Jourdan, Esq.*—and

In the report and resolution of the committee on the report of the commissioners of the Macon bridge.

On motion of *mr. Spann*, it was

*Resolved*, That his excellency the governor be and he is hereby authorised and required to cause to be refunded to *James Bush*, late tax collector of the county of Early for the year 1826, any money that may be paid into the the treasury of this State by the said Bush on account of an overcharge of the tax of the county of Early for the year 1826 as aforesaid, and that the Comptroller General be and he is hereby required to report to his excellency the governor the amount so overcharged.

The senate took up and agreed to the report of yesterday of the committee on Finance, on the report of *Mortimer R. Wallis*.

The senate took up the report on the petition of *Thomas White* of the 28th ult. and filled the blank in the resolution with the word "two."

And on motion to agree thereto as amended, the yeas and nays being required, it was determined in the negative.

The yeas are 34—the nays are 27.

Those in the affirmative, are Messrs.

<i>Alexander</i>	<i>Clayton of Clark</i>	<i>Leonard</i>
<i>Allen</i>	<i>Cochran</i>	<i>Maxwell</i>
<i>Baber</i>	<i>Cosby</i>	<i>McDougald</i>
<i>Beall</i>	<i>Crawford of Columbia</i>	<i>McTye</i>
<i>Blackstone</i>	<i>Crawford of Hancock</i>	<i>Miller</i>
<i>Blair of Lowndes</i>	<i>Davies</i>	<i>Munroe</i>
<i>Brown of Camden</i>	<i>Ezzard</i>	<i>Powell</i>
<i>Brown of Monroe</i>	<i>Harris</i>	<i>Ray</i>
<i>Campbell</i>	<i>Jordan</i>	<i>Ryalls</i>



Scarboro  
Sledge  
Tennille

Thomas  
Tillman

Walthour  
Winberly

Those in the negative are, messrs.

Blair of Habersham  
Burton  
Cargille  
Clayton of Pulaski  
Dunagen  
Fulwood  
Gamble  
Groves  
Hendrick

Hicks  
Holloway  
Hoxey  
Janes  
Luckie  
Martin  
Moncrief  
Moore  
Phillips

Remson  
Sellers  
Smith  
Spann  
Swain  
Williams  
Wilson  
Wooten  
Worthy

Mr. Gamble, from the committee to whom was referred the governor's communication of the 8th inst. reported a bill to sell and dispose of the State's interest in lots of land in the late purchase which have been or hereafter may be relinquished to the State, and such as have been or hereafter may be condemned as fraudulently drawn in the aforesaid purchase,

Which was read the first time.

The bill to incorporate the town of Columbus in the county of Muscogee—and

The bill to alter and amend the road law of Glynn county,

Were read the second time and ordered for a third reading.

The bill to divorce Catherine Wilson and John Wilson her husband,

The bill to establish a Board of visitors to the poor school, and to require teachers in the several districts to report the number of poor children and teach the same—and

The bill to regulate intercourse between the several chartered Banks and Branch Banks in this State, so far as relates to demand of payment from one another of the notes issued by them respectively,

Were read the second time and ordered for a committee of the whole.

The bill to incorporate the Augusta Library Society,

Was read the third time and passed.

The senate again resolved itself into a committee of the whole, Mr. Crawford of Columbia in the chair, on the bill to amend an act to compel the Judges of the Superior courts of this State to convene at the seat of government in this State once in each year, for the purpose of establishing uniform rules of practice throughout this State, passed the 24th December, 1821, and also to authorise said Judges to decide questions of law reserved by them or either of them in their several circuits, and to make such decisions binding and obligatory upon the said several Judges

The President having resumed the chair, Mr. Crawford reported the bill without amendment. The Senate took up, amended and agreed to the report. The bill was read the third time, and on the

passage of the bill, the yeas and nays being required, it was determined in the affirmative. The yeas are 33, the nays 30.

Those in the affirmative are Messrs.

Alexander	Ezzard	Monroe
Allen	Hendrick	Ryalls
Blair of Habersham	Holloway	Scarboro
Blair of Lowndes	Janes	Sellers
Bargille	Jordan	Spann
Blayton of Clark	Luckie	Tennille
Blayton of Pulaski	Martin	Thomas
Bosby	Maxwell	Tillman
Crawford of Columbia	McTyre	Walthour
Crawford of Hancock	Miller	Williams
Davies	Moore	Wimberly

Those in the negative are Messrs.

Anderson	Fulwood	Powell
Ball	Gamble	Ray
Blackstone	Groves	Remson
Brown of Monroe	Harris	Scarlet
Burton	Hicks	Sledge
Campbell	Hoxey	Smith
Schran	Leonard	Swain
Free	McDougald	Wilson
Seamark	Moncrief	Wooten
Snagen	Phillips	Worth

The following message was received from the house of representatives by Mr. Dawson their clerk :

*Mr. President—*

The House of Representatives have passed the following bills, wit —

A bill authorising a lottery for the benefit of the poor in the county of Burke.

A bill to change the name of Sarah Tanner to that of Sarah Brown, and establish her in all the rights of one born in lawful wedlock.

A bill to incorporate the Pleasant Grove Academy in the county Henry, and to appoint Trustees for the same.

A bill declaring and making certain the law regulating the rights of husbands in and to the property of their deceased wives, and for other purposes.

A bill to separate and divorce Nancy Wright and Wm. R. Wright her husband.

A bill to separate and divorce Matilda Bullard and James Bullard her husband.

A bill to divorce and separate Hannah Irvin and Charles Irvin her husband.

A bill to establish an additional election district in the county of Jefferson.

A bill to authorise John Rushin to establish a ferry across Flint river.

A bill for the relief of John Hale.

A bill to repeal a part of an act to make permanent the site of the public buildings in the county of Fayette at Fayetteville, and to incorporate the same, passed 20th December, 1823, and to amend said act—and

A bill to provide a more easy and convenient mode of proving open accounts, so as to make them evidence in Justices' courts.

They have agreed to the report of the select joint committee appointed to count the money in the treasury and to pay over the same to Hines Holt, Esq. Treasurer.

And they have agreed to a resolution requesting his excellency the governor to have published forthwith in the public gazettes in Milledgeville and Macon, the act passed at the present session to alter and fix the times of holding the Superior and Inferior courts in the Chatahoochee Circuit.

And they have agreed to a resolution in favor of Edmund Bugg, late tax collector of Richmond county, allowing a certain sum of money to him, in consequence of a mistake in the return of taxes for the year 1826,

To which they desire concurrence.

*Mr. President—*

In consequence of the death of the honorable mr. BELL, the representative of the county of Decatur, the house of representatives have appointed a committee to make arrangements for the interment of his remains; and as an additional testimony for the respect due his memory, have adjourned until 3 o'clock this day, and instructed me so to inform the senate.

On motion,

The senate took up so much of the message as relates to the resolution in favor of Edmund Bugg, late tax collector of Richmond county, and concurred therein.

Ordered, that the secretary return, forthwith, said resolution to the house of representatives, and inform them of the concurrence.

The senate adjourned until 3 o'clock this evening.

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Wednesday Evening, 3 o'clock.

A message was received from the house of representatives by mr. Dawson their clerk, inviting the senate to join them in paying a tribute of respect to the remains of John Bell, Esq. late a representative from Decatur county; and that the house of representatives had adopted the following as the order of the funeral procession:

1. PHYSICIANS AND CLERGY.
2. **CORPSE.**
3. CHIEF MOURNERS.
4. COMMITTEE.

5. Speaker and Clerk of the House of Representatives,  
And Members in pairs.

6. GOVERNOR & EXECUTIVE OFFICERS.

7. The President and Secretary of Senate, & Members in pairs.

8. CITIZENS.

In the event that Mr. Bell is buried with masonic honors the brethren will be entitled to the head of the procession.

The senate took up the message, and on motion of Mr. Maxwell, accepted the invitation and directed the secretary to inform the house thereof.

The president, members and officers of senate joined the procession and proceeded to the burial ground, where an appropriate prayer was offered up to the Throne of Grace by the Rev. Charles Williamson; after which they returned to their chamber, and

The Senate adjourned until to-morrow morning, half past nine o'clock.

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THURSDAY, 13th Dec. 1827.

Mr. Hendrick moved to reconsider so much of the journal of yesterday as relates to the agreement of senate to a resolution bringing on certain elections on Saturday evening next at 3 o'clock, which was determined in the negative.

On motion of Mr. Blair of Habersham, to reconsider so much of the journal of yesterday as relates to the agreement of senate to the report and resolution in favor of Thomas White of Columbia county,

The yeas and nays being required, it was determined in the negative. The yeas are 27—the nays are 36.

Those in the affirmative are Messrs.

Anderson	Cosby	Martin
Beall	Dunagen	Porter
Blair of Habersham	Folwood	Remson
Blair of Lowndes	Groves	Sellers
Burton	Hawthorn	Spann
Campbell	Hendrick	Swain
Clayton of Pulaski	Hicks	Wilson
Cochran	Holloway	Wooten
Coffee	Luckie	Worthy

Those in the negative, are Messrs.

Allen	Crawford of Hancock	Janes
Baber	Davies	Jordan
Brown of Camden	Denmark	Leonard
Brown of Monroe	Ezzard	Maxwell
Clayton of Clark	Gamble	McDougald
Crawford of Columbia	Harris	McTyre

Miller  
Moncrief  
Moore  
Munroe  
Phillips  
Powell

Hay  
Ryalls  
Scarboro  
Scarlet  
Stedje  
Smith

Fennille  
Thomas  
Tillman  
Walthour  
Williams  
Wimberly

Mr. Wilson moved to reconsider so much of the journal of yesterday as relates to the passage of the bill to amend an act to compel the Judges of the Superior courts of this State to convene at the seat of government in this State once in each year, for the purpose of establishing uniform rules of practice throughout this State, passed the 24th Dec. 1821, and also to authorise said Judges to decide questions of law reserved by them or either of them in their several circuits, and to make such decisions binding and obligatory upon the said several Judges,

Which was determined in the negative.

The President laid before senate a copy of a report made and adopted by the stockholders of the Darien Bank, and transmitted to him by a committee of their body,

Which was read and referred to the committee on the Governor's communication disapproving of the report relative to the Darien Bank.

The bill to extend the laws regulating the health office of the city of Savannah to the city of Darien,

Was read the second time and ordered for a third reading.

The bill to carry into more general effect executions issuing from the Mayor's court of the city of Darien--and

The bill to sell and dispose of the State's interest in lots of land in the late purchase which have been or hereafter may be relinquished to the State, and such as have been or hereafter may be condemned as fraudulently drawn in the aforesaid purchase,

Were read the second time and ordered for committees of the whole.

The bill to authorise Joshua Harris to establish a ferry on his own land across the Ocmulgee river.

The bill to incorporate the town of Columbus in the county of Muscogee--and

The bill to alter and amend the road law of Glynn county,

Were read the third time and passed.

The senate resolved itself into a committee of the whole on the bill to appoint additional trustees for the academy of Jefferson county, and to add a part of the poor school fund of that county to the funds of that academy--mr. Groves in the chair.

The President having resumed the chair, mr. Groves reported the bill with amendment.

The senate took up and agreed to the report. The bill was read the third time and passed.

Ordered, that the secretary carry said bill to the house of representatives forthwith.

The reconsidered bill to make the estates of all attorneys at law

le for the payment of all sums of money by them collected and paid over, before the payment of other debts due by such attorneys, was read the third time, and on the passage of the bill, the yeas and nays being required, as determined in the affirmative. The yeas are 35, the nays are 29.

Those in the affirmative are, messrs.

Kander	Cosby	Scarboro
Den	Denmark	Scarlet
erson	Dunagen	Sellers
ll	Fulwood	Smith
ckstone	Groves	Spann
r of Lowndes	Harris	Swain
wn of Camden	Hendrick	Thomas
wn of Monroe	Holloway	Tillman
ton	Hoxey	Walthour
yton of Pulaski	Lawson	Wilson
hran	Porter	Worthy
ee	Powell	

Those in the negative are Messrs.

er	Janes	Munroe
r of Habersham	Jordan	Phillips
ppell	Leonard	Ray
yton of Clark	Luckie	Remson
wford of Columbia	Martin	Ryalls
wford of Hancock	McDougald	Sledge
ies	McTyre	Tennille
ard	Miller	Williams
ble	Moncrief	Wimberly
thorn	Moore	

The senate took up and agreed to the report on the bill to alter and amend the first section of the third article of the constitution of the State of Georgia.

The bill was read the third time, and on the passage of the bill, yeas and nays being required, it was determined in the negative. The yeas are 28, the nays are 34.

Those in the affirmative are, Messrs.

Hoxey	Powell
Janes	Ray
Lawson	Ryalls
McDougald	Scarboro
McTyre	Sledge
Miller	Tennille
Munroe	Thomas
Phillips	Williams
Porter	Wimberly

Those in the negative are, Messrs.

Allen	Denmark	Moncrief
Anderson	Dunagen	Moore
Beall	Fulwood	Remson
Blackstone	Groves	Scarlett
Blair of Habersham	Harris	Sellers
Blair of Lowndes	Hawthorn	Smith
Brown of Camden	Hendrick	Spann
Brown of Monroe	Jordan	Swain
Burton	Leonard	Tillman
Clayton of Pulaski	Luckie	Walthour
Cochran	Maxwell	Wilson
Coffee		

The senate resolved itself into a committee of the whole, on the bill to amend an act entitled an act to establish and incorporate an Insurance company in the city of Savannah, to be called the Marine and Fire Insurance Company of the city of Savannah, and to grant banking powers to the same, passed on the 20th of Dec. 1825--mr. Allen in the chair.

The President having resumed the chair, Mr. Allen reported the bill with amendment--The senate took up and agreed to the report,

And the caption having been amended to correspond with the body of the bill, it was read the third time and passed under the title of " a bill to amend an act entitled an act to amend an act entitled an act to establish and incorporate an Insurance company in the city of Savannah, to be called the Marine and Fire Insurance Company of the city of Savannah, and to grant banking powers to the same, passed on the 20th of Dec. 1825, and also to regulate intercourse between the several chartered banks and branch banks in this State so far as relates to demand of payment from one another of the notes issued by them respectively."

The Senate resolved itself into a committee of the whole on the bill more effectually to define the method of perfecting service on persons whose draws have or shall be returned as fraudulently given in and drawn within the late purchase including the counties of Lee, Muscogee, Troup, Coweta and Carroll--mr. Anderson in the chair.

The president having resumed the chair, mr. Anderson reported the bill with amendment. The Senate took up and agreed to the report.

The caption having been amended, the bill was read the third time and passed under the title of " a bill more effectually to define the method of perfecting service on persons whose draws shall be returned as fraudulently given in and drawn within the late purchase including the counties originally of Lee, Muscogee, Troup, Coweta and Carroll."

The senate resolved itself into a committee of the whole, on the bill to create and define a new division of militia and the two brigades which shall form the same, in the territory lately acquired from the Creek Indians, lying between the Flint and Chatahoochee rivers, west of the Chatahoochee river--mr. Baber in the chair.

The President having resumed the chair, Mr. Baber reported the bill without amendment. The senate took up and agreed to the report. The bill was read the third time and passed.

Ordered, that the secretary carry said bill to the house of representatives forthwith.

The Senate resolved itself into a committee of the whole, on the bill to amend the rent laws of this State—mr. Beall in the chair.

The President having resumed the chair, mr. Beall reported the bill with amendment. The senate took up and agreed to the report.

The bill was read the third time—and on the passage of the bill, the yeas and nays being required, it was determined in the affirmative. The yeas are 37, the nays are 28.

Those in the affirmative are Messrs.

Allen	Holloway	Munroe
Baber	Hoxey	Ray
Brown of Monroe	Janes	Ramson
Campbell	Jordan	Ryalls
Clayton of Clark	Lawson	Sledge
Clayton of Pulaski	Leonard	Smith
Coffee	Luckie	Tennille
Crawford of Columbia	Martin	Thomas
Crawford of Hancock	McDougald	Walthour
Ezzard	McTyre	Williams
Gamble	Miller	Wilson
Groves	Moncrief	Wimberly
Hawthorn		

Those in the negative are Messrs.

Alexander	Davies	Porter
Anderson	Denmark	Scarborough
Beall	Dunagen	Scarlett
Blackstone	Fulwood	Sellers
Blair of Habersham	Harris	Spann
Blair of Lowndes	Hendrick	Swain
Brown of Camden	Maxwell	Tillman
Burton	Moore	Wooten
Cochran	Phillips	Worthy
Cosby		

Mr. McDougald reported instantler, a bill supplemental to and explanatory of an act entitled an act, for the division of the late acquired counties of Carrol, Troup, Muscogee and Lee, into counties of a proper shape and size, passed at the present session of the General Assembly, which was read the 1st time.

Mr. Hoxey reported instantler a bill, for the relief of Joel Terrill, Which was read the 1st time.

Mr. Davies from the committee on the State of the Republic reported a bill to prevent the surveying or granting of certain lands either under head rights or in any other way and for other purposes, which was read the 1st time.



Mr. Davies from the committee on the State of the Republic, to whom was referred the petition of Wm. Melton—reported, that there is no evidence before them to sustain the claim of the petitioner, it cannot be allowed, but that being unwilling by any report of theirs to prejudice a claim which may be well founded, your committee would offer the following resolution—

*Resolved*, That the petitioner be allowed to withdraw his petition, which was read and agreed to.

Mr. Davies from the committee on the State of the Republic to whom was referred so much of the Governor's communication, as relates to the correspondence and documents connected with the expedition to the southern frontier in December 1826—reported,

That they have had the same under consideration, and entertain no doubt from the information which had been received by the Governor of the murders committed by the Indians on the frontiers of Florida and Georgia, that he was well warranted in the determination which he made, that the crisis recognized by the constitution of such imminent danger as not to admit of delay had occurred, and that the prompt and energetic course which he pursued in ordering out an efficient military force to prevent the further effusion of human blood, and give protection to that exposed part of our State, merits and receives the entire approbation of the Legislature. The committee further take great pleasure in stating that the expedition, so ordered out by the Governor was recognized by the United States as legitimate and by them promptly paid; this is also as it ought to be, and the conduct of the United States in this matter receives the like approbation of the Legislature,

Which was read and agreed to.

Mr. Crawford of Columbia, presented the petition of a number of the citizens of this State, relative to an improvement for propelling the cotton gin, which was read and referred to the committee on Internal Improvement.

Mr. Crawford also presented the petition of the citizens of Columbia county, relative to Richard Jones, which was read and referred to the committee on petitions.

Mr. Clayton of Clark from the committee to whom was referred the petition of John M. Patrick—reported,

That they have had the same under consideration, that the prayer of the petitioner is reasonable and ought to be granted, and therefore recommend the following resolution—

*Resolved*, That the said John M. Patrick have the use and occupation during his natural life of Fraction No. 89, in the 8th district of Muscogee, and that upon his death the same shall revert to, and become the property of the State, and subject to such disposition as a future Legislature may think expedient to make, which was read and ordered to lie on the table.

The following communication was received from the Governor by Mr. Pierce his Secretary:

EXECUTIVE DEPARTMENT, }  
Dec. 13th, 1827. }

Messrs. Alexander Telfair, George W. McAllister and James Hamilton Couper were appointed to represent the interest of the

at a called meeting of the stockholders of the Bank of Darien which occurred on the 3d inst. A letter received from them yesterday with the papers accompanying it are herewith transmitted to the Senate, as they relate to a question of great interest to the State which originated and is now pending in that branch of the General Assembly.

The statement made by the committee appointed by the stockholders to examine into the condition of the Bank although less favorable to the Bank than the annual exhibit of the President of the Institution transmitted to the General Assembly at the beginning of their present session, is more favorable than the report of the committee of the two Houses made in 1825. If the expectations expressed are realized, the ultimate loss of the stockholders will not exceed 20 per cent on the amount paid in. While great satisfaction is felt at the favorable view presented by the recent examination it is seen with apprehension, that a sanction has been given to the recommencement of business whenever thirty thousand dollars in specie or in the notes of specie paying banks, is in the hands of the Bank of Darien. The original papers being sent to the Bank with delay, a return of them is requested as soon as the question which they relate has been finally decided.

Signed,

JOHN FORSYTH.

Which was read, and with its accompanying documents referred to the committee on the Governor's communication on the subject of the Darien Bank.

Mr. Davies from the committee on the State of the Republic to which was referred that part of the Governor's communication which relates to the boundary line between Florida and this State, reported—That an amicable but unsuccessful attempt has, during the present year, been made to ascertain and mark the dividing line between this State and Florida by a commissioner on the part of the United States associated with one appointed by Georgia.—The failure has resulted entirely from a difference of opinion as to the head or source of the St. Marys River. By the constitution of Georgia, obviously and unquestionably founded upon the Treaty of peace of '83, and confirmed by the second article of the Spanish Treaty of '95, that line was to run "from the northern part of the thirty first degree of North latitude, on the Mississippi, due East to the middle of the river Appalachicola or Chattahoochee, thence about the middle thereof, to its junction with Flint, thence straight to the head of St. Marys River and thence about the middle of that river to the Ocean. Many years ago commissioners were appointed under the aforesaid treaty of '95, to run and mark the line above described; this however was not done, no point was ascertained and marked as being the supposed head of St. Marys river and designated by the name of Ellicott's point.

In fixing this point, Georgia had no agency, it was done by commissioners as before stated; appointed by the United States and Spanish Government. But Georgia relying on the skill and authority of the agents who superintended this important interest has supposed, that this mound might be at the true head or

source of the St. Marys river, and has all along contented herself with that idea, but she has never done any act or admitted any principle which absolutely binds her to the observance of that point as the one to or from which said line should run. Upon frequent applications to the General Government to have this line run, it was at last consented to, & on the 4th of May, 1826, an act was passed by Congress for that purpose. But there was a condition in that act to this effect, "That the line so to be run and marked shall be run straight from the junction of said rivers Chattahoochee and Flint to the point designated as the head of St. Marys by the commissioners appointed under the 3d article of the treaty of '95 as before mentioned. The point designated was Ellicott's mound. This act it will be perceived did not authorise the commissioners to run the line according to the Treaty, but according to an operation which had taken place under that treaty many years ago, and which has since evidently turned out to be erroneous. When the commissioners proceeded to ascertain and mark the line under this act, it was clearly discovered by them, that the true source or head of the St. Marys river, had not been found by the Spanish and American commissioners, at the time they were sent to run that line under the said Treaty of '95. When this fact was discovered and represented to the late Governor of Georgia, finding that the United States' commissioner was bound by the act before mentioned, and was not instructed to proceed in the matter according to the treaty, he suspended all further proceedings until the General Government and the Government of Georgia could have other and further explanations on this subject. The facts which have led to the discovery of this error, are very plain and satisfactory, and are contained in a document submitted to the Governor by the Surveyor who accompanied the commissioners in their late attempt to run and mark said line.

Your committee are of the opinion that when the General Government comes properly to understand the true history of this difficulty, it will not insist upon any advantage which may be supposed to result from long acquiescence in the idea that Ellicott's mound was at the true head of the St. Marys river. It will be perceived that this has been an error altogether of the General Government's own creation, and Georgia has never in any manner either contributed to, or consented to be bound by it.

Your committee therefore recommend the following resolution:

*Resolved*—That our Senators and Representatives in Congress be requested to procure another act of Congress or an amendment of the act passed in 1826, authorising and directing the commissioners who may be appointed under the same, to proceed with said commissioners as may be appointed by Georgia to run and mark said line according to the true intent and meaning of the said treaty of '95, and to ascertain and determine the true source or head of the St. Marys River without any regard to previous operations which may have taken place in reference to said line, inasmuch as Georgia has had no agency in, or been a party to any of said previous operations.

*Resolved*—That his Excellency the Governor be, and he is hereby

requested to forward to our said Senators and Representatives copy of this report, an extract of the late Governor's message on this subject, a copy of McBride's report and survey, and such parts of the correspondence of the commissioners as may afford any information in relation to said dispute.

*Resolved*—That in order to facilitate a speedy adjustment of the dispute and difficulty alike interesting to the General Government and people of Georgia, his Excellency the Governor be requested to open a correspondence with the President of the United States, with a view to the accomplishment of the objects of the above resolutions, which was read and agreed to.

Mr. Allen, from the committee on Agriculture and Internal Improvement, made a report—and

On motion of Mr. Crawford of Hancock,

Two hundred copies thereof were ordered to be printed for the use of the legislature.

The Senate adjourned until 3 o'clock P. M. this day.

### Thursday Evening, 3 o'clock.

The senate took up the message of the house of representatives yesterday,

And the bills therein contained were read the first time.

The senate took up and concurred in the resolution of the house representatives, relative to the publication of an act passed at the next session, prescribing the times of holding the courts in the Okechobee circuit, in the gazettes of Milledgeville and Macon.

The senate also concurred in the report of the special committee appointed to count the money in the Treasury and deliver over the same to the present treasurer.

The following bills of the house of representatives were read the second time and ordered for a third reading;

A bill to alter and amend an act entitled an act to alter and amend an act to alter and amend the 12th section of an act to provide for the estates of orphans, and to make permanent provision for the poor, passed the 16th Dec. 1811.

A bill to reduce the amount of Sheriffs' bonds in this State so far as respects the county of Ware.

A bill to authorise an additional volunteer company of riflemen in the county of Hall.

A bill to authorise the commissioners of the Washington county lottery to raise by lottery the sum of ten thousand dollars.

A bill to incorporate the Presbyterian Church in Lexington.

A bill to establish an additional electoral district in the county of Wilkes.

A bill to incorporate the Baptist and Presbyterian Churches in the town of Washington, Wilkes county.

A bill to appoint commissioners to select a site for the public buildings in the county of Irwin, and to make permanent the same.

A bill authorising James Turrentine of Pike county to establish a ferry across Flint river on his own land.

A bill to appoint trustees for the poor school fund for the county of Irwin.

A bill to authorise the courts of ordinary in the different counties in this State to grant and issue letters of guardianship upon the persons and property of illegitimate children.

A bill to incorporate the Armsden Academy on Williams' creek in the county of Warren, and to appoint trustees for the same.

A bill to authorise the Justices of the Inferior court of Oglethorpe county to levy an extra tax to put and keep the public roads in said county in good order.

A bill to incorporate the Baptist Church at Shiloh in Greene county.

A bill to amend the several acts relative to the establishment and regulation of election districts in the county of Gwinnett.

A bill to amend an act entitled an act to appoint trustees for the poor school fund in Tattnall county, and vest the funds of the Tattnall county academy in the same.

A bill to establish an additional election district in the county of Pulaski.

A bill for the relief of certain fortunate drawers in the late lottery.

A bill to incorporate the Savannah Steam Rice-mill company.

A bill for the relief of the securities of William P. Reed, one of the district surveyors of the late acquired territory.

A bill to separate and divorce James and Mary Fountain.

A bill to incorporate the Savings Bank of Augusta.

A bill to change the time of holding the Inferior court of Decatur county.

A bill to reduce and fix the fees of the Jailor of Chatham county.

A bill to change the name of John Wesley McWhough, to the name of John Wesley Searcy, and to entitle him to a distributive share of Benjamin R. Searcy's estate.

A bill to authorise the Inferior court of Habersham county to remit a fine incurred by James Gaddis.

A bill to incorporate the Trustees of the Masonic Hall in the city of Augusta.

A bill to authorise the Sheriff and coroner of Hancock county and their successors in office, to publish their sales of property levied on under execution in a newspaper published at Mount Zion in said county entitled the Hancock Advertiser.

A bill to authorise the Inferior Court of Butts county, to levy a tax for county purposes.

A bill to separate and divorce Sarah Booth and Wiley Booth her husband.

A bill to authorise the commissioners appointed to lay off the town of Macon, to convey titles in fee simple to certain portions of land to the Trustees of the Methodist Episcopal Church, for the erection of a parsonage and other out buildings.

A bill to alter and amend the road law of this State, so far as it relates to the counties of Burke and Laurens—and

A bill to amend the second section of an act, to alter and amend an act, passed the twenty third day of December, eighteen hundred and twenty-two, to distribute the Bank dividend, and other nett proceeds of the poor school fund amongst the different counties in this State, so far as respects the county of Jones.

The following bills of the house of representatives were severally read the second time and ordered for committees of the whole.

A bill to alter the time of holding the Superior courts of the Southern circuit.

A bill to amend the act establishing and regulating district elections in the county of Jones.

A bill to alter the time of holding the Superior courts in the Eastern district.

A bill to appoint commissioners to select a site for the public buildings for the county of Appling, and to make permanent the same.

A bill to require the Sheriff and Clerks of the county of Gwinnett to advertise in some one of the public gazettes of Milledgeville.

A bill to incorporate the Troup county Academy.

A bill to repeal an act passed the 24th day of December, 1825, making permanent Pierce A. Lewis' ferry on the Ocmulgee river in Jones county.

A bill to repeal the 2d section of an act passed 23d Dec. 1822, to distribute certain funds among the several counties in this State for the use of academies, and to provide a method of obtaining further information concerning endowments heretofore made, and further to allow them to draw their dividends under certain conditions.

A bill to alter the road laws of this State, so far as respects the counties of Jackson, Burke, Madison, Jones, Laurens, Jefferson, Pike, Habersham, DeKalb, Monroe, Putnam, Troup, Oglethorpe and Houston.

A bill to provide for the recording of deeds of mortgage upon real and personal property within this State, and to define the lien of the same, and also to amend an act entitled an act, to admit certain deeds to record, and to authorise the same or copies thereof to be read in evidence; and also the copies of certain other deeds and for other purposes.—And

A bill to authorise the Justices of the Inferior Court of Wayne county, to sell the Academy building in Wayne county, &c.

Was read the second time and ordered for a committee of the whole in June next.

The senate adjourned until to-morrow morning half past 9 o'clock

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*FRIDAY, Dec. 14th 1827.*

The senate took up the report on the petition of Col. Joel Bailey, and on motion to agree thereto, the yeas and nays being required,

it was determined in the negative. The yeas are 29, the nays are 35.

Those in the affirmative are, Messrs.

Allen	Janes	Ray
Baber	Jordan	Ryalls
Beall	Lawson	Scarborough
Brown of Monroe	Luckie	Sledge
Clayton of Clark	Martin	Thomas
Crawford of Columbia	Maxwell	Tillman
Denmark	McDougald	Williams
Gamble	Moncrief	Wimberly
Holloway	Munroe	Worthy
Hoxey	Phillips	.

Those in the negative are, Messrs.

Alexander	Cosby	Powell
Anderson	Davies	Remson
Blackstone	Dunagen	Scarlet
Blair of Habersham	Ezzard	Sellers
Blair of Lowndes	Groves	Smith
Brown of Camden	Harris	Spann
Burton	Jawthorn	Swain
Campbell	Hendrick	Tennille
Gargille	McTyre	Walthour
Clayton of Pulaski	Mjller	Wilson
Cochran	Moore	Wooten
Coffee	Porter	

Mr. Scarlett from the committee on enrolment, reported as duly enrolled and signed by the Speaker of the House—

An act to alter and fix the time of holding the Superior and Inferior Courts in the Chattahoochee circuit, and to add the county of Fayette to the Flint circuit. And

An act for the division of the late acquired counties of Carroll, Troup, Muscogee and Lee, into counties of a proper shape and size.

Which were presented to, and signed by the President of Senate.

Ordered, that the committee on enrolment carry said acts to the Governor for his approval.

On motion of Mr. Powell—The Senate unanimously consented to the correction of a clerical error in the "act for the division of the late acquired counties of Carrol, Troup, Muscogee and Lee, into counties of a proper shape and size," passed at the present session of the General Assembly—the error having occurred in the *original* bill, where the boundary of Muscogee county is defined.

The bill to prevent the surveying and granting of certain lands either under head-rights or in any other way, and for other purposes, was read the second time and ordered for a third reading.

The bill for the relief of Joel Terrill, was read the second time and ordered for a committee of the whole.

The bill to extend the laws regulating the Health Office of the city of Savannah to the city of Darien, was read the third time and passed.

The Senate resolved itself into a committee of the whole, Mr. Sledge in the chair, on the bill to carry into more general effect executions issuing from the Mayor's court of the city of Darien.— The President having resumed the chair, Mr. Sledge reported the bill with amendment. The Senate took up and agreed to the report. The caption being amended, the bill was read the 3d time and passed, under the title of a bill to give more extensive effect to executions issuing from the Mayor's court of the city of Darien, the Court of common pleas for the city of Augusta, and the Court of common pleas and oyer and terminer for the city of Savannah.

The Senate resolved itself into a committee of the whole, on the bill to provide for the payment of cost and fees of the Attorney, Solicitor General, Sheriff and Clerks of the Superior Court and other Courts having jurisdiction in criminal cases, in certain cases. Mr. Brown of Camden in the chair. The President having resumed the chair, Mr. Brown reported disagreement to the bill. The Senate took up and agreed to the report.

The Senate resolved itself into a committee of the whole, on the bill to prescribe a permanent system of Internal Improvement.— Mr. Blair of Lowndes in the chair. The President having resumed the chair, Mr. Blair reported progress and had leave to sit again on *Monday next*.

The Senate resolved itself into a committee of the whole, on the bill to tax dealers in money, or any other person by whatsoever name called, who make a business or profession of buying notes of hand or promissory notes, contracts, bonds or other assurances, or who loan money at usurious or other interest. Mr. Brown of Monroe in the chair. The President having resumed the chair, Mr. Brown reported disagreement to the bill. The Senate took up and agreed to the report.

The Senate resolved itself into a committee of the whole, on the bill to incorporate the Merchants and Planters Bank in the city of Augusta. Mr. Leonard in the chair. The President having resumed the chair, Mr. Leonard reported the bill with amendment.— The Senate took up and agreed to the report.

Ordered, that the report lie on the table for the present.

The following communication was received from the Governor by Mr. Pierce his Secretary :

Executive Department, }  
Dec. 13th, 1827 }

Two tracts of land were drawn in the late lottery by Miss Obédience Bugg, No. 80, in the 6th district of Lee; and No. 212, 7th district of Troup. She was not entitled to more than one ticket in the lottery, and her name was given in under a misapprehension by her mother. Her guardian E. Bugg has explained the mistake to this Department. A copy of his letter is herewith laid before the General Assembly. The grant for the Tract in Troup has been issued, the other Lot remains the property of the State.

Signed,

JOHN FORSYTH.

Mr. Lawson reported instantler, a bill to explain and amend an



act, to vest the State's interest in the property of Joel Music, late of Burke county, deceased, in the sisters of said deceased,

Which was read the 1st time.

Mr. Beall laid on the table the following resolution :

*Resolved*, That the commission of the State's Agent at Macon, shall hereafter in no case exceed the sum of two per cent for collecting and depositing in the Treasury, any money which he may collect and deposit, and not more than two and one half per cent on all notes which he may take and deposit in the Comptroller General's Office, and that it shall be the duty of said agent to deposit all money by him collected, and all notes by him taken, and in behalf of the State, within thirty days after such money is collected or notes are taken.

The following message was received from the House of Representatives by Mr. Dawson their clerk :

*Mr. President—*

The House of Representatives have passed the following bills of Senate, to wit :

The bill to regulate the rates of toll at the ferries and bridges on Towaliga river in Butts and Monroe counties.

The bill to incorporate Cicero Academy in Munroe county

The bill to repeal an act entitled an act, for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, &c.

The bill to compel the clerks of the Superior and Inferior Courts of the county of Ware, to keep their offices at or within one mile of the Court house of said county.

The bill to alter and amend an act entitled an act, to alter the time of holding the elections for county officers in this State, passed the 16th December, 1811, so far as respects the counties of Henry and DeKalb.

The bill to change the names of certain persons.

The bill to amend an act entitled an act, to incorporate the Knoxville Academy in the county of Crawford.

The bill to establish an additional election district in the county of Elbert.

The bill to regulate the trading of merchants, shopkeepers, and others, so far as respects the county of Glynn, and to punish those who may attempt to defeat the same.

The bill to legalize and make valid a certain grant of land heretofore issued to Robert A. Beall.

The bill for the relief of the citizens of the county of Tattnall.

The bill to incorporate the Washington Academy in the county of Gwinnett, and to appoint trustees for the same.

The bill to appoint commissioners for the improvement of the Ocmulgee river, in the counties of Butts, Jasper and Jones.

The bill to repeal an act entitled an act, to add that part of the funds heretofore set apart for the county Academies to the poor school fund, so far as respects the county of Rabun, passed the 27th December, 1826, and to appoint commissioners for the purpose of applying the poor school and Academy fund of said county.

The bill to alter and change the names of Samuel Standefer and William Williams.

The bill to establish and make permanent the ferry on the Chattahoochee river in the county of Hall, known by the name of Obediah Light's ferry.

The bill to alter and amend the first section of an act, passed 24th December, 1825, regulating the general elections in this State, so far as respects the county of Burke.

The bill to amend an act, to incorporate the Franklin Academy in Upson county.

The bill to repeal an act entitled an act, for the division of Upson county into electoral districts, and to establish an additional election district in the county of Rabun, so far as regards Upson county.

They have passed the following bills of the House of Representatives, to wit—

The bill to extend the civil jurisdiction of this State, over the unlocated territory thereof now in the possession of the Cherokee Indians.

The bill to add a part of the counties of Talbert and Marion to the county of Crawford.

The bill to extend and define the corporate limits of the town of Eatonton.

They have agreed to a resolution, appointing a committee on their part to join such as may be appointed by Senate, to devise a plan for the improvement of the State-house, and have appointed a committee on their part, consisting of Messrs. Howard of Baldwin, Hall of Clark, Brown, Holt of Richmond, and Bates.

And they have agreed to a resolution in favor of Jordan W. Lee, tax collector of Twiggs, to which they desire concurrence.

The House of Representatives have concurred in the resolution of Senate, relative to the election of a Principal Keeper of the Penitentiary, and three Inspectors, *with amendments*.

The Senate adjourned until half past 3 o'clock P. M.

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Half past 3 o'clock, Friday Evening, Dec. 14.

The senate took up the message of the house of representatives, and the bills therein contained were read the first time.

The senate took up and concurred in the resolution of the house of representatives, relative to an allowance of the amount of the tax collector's insolvent list of Twiggs county, provided it does not exceed a specified amount—and

In a resolution of the house, appointing a committee on their part to join such as may be appointed on the part of senate, to devise a plan for the improvement of the State-house, &c.

Whereupon, the President appointed messrs. Williams, Blair of Habersham, Hoxey, and Crawford of Hancock.

So much of the message as contained a resolution of this branch, and concurred in with amendments by the house, was ordered to lie on the table.

The following bills were read the second time and ordered for a third reading :

A bill to authorise John Rushin to establish a ferry across Flint river.

A bill to repeal a part of an act entitled an act to make permanent the site of the public buildings in the county of Fayette at Fayetteville.

A bill to establish an additional election district in the county of Jefferson.

A bill authorising a lottery for the benefit of the poor in the county of Burke.

A bill to separate and divorce Nancy Wright and Wm. R. Wright her husband.

A bill to change the name of Sarah Tanner to that of Sarah Brown, and establish her in all the rights of one born in lawful wedlock.

A bill to divorce and separate Hannah Irvin and Charles Irvin her husband.

A bill to incorporate the Pleasant Grove Academy in the county of Henry, and to appoint trustees for the same.

A bill to separate and divorce Matilda Bullard and James Bullard her husband.

The following bills were read the second time and ordered for committee of the whole ;

A bill to provide a more easy and convenient mode of proving open accounts, so as to make them evidence in Justices' courts.

A bill declaring and making certain the law regulating the rights of husbands in and to the property of their deceased wives, and for other purposes—and

A bill for the relief of John Hale.

The following bills were read the third time and passed :

A bill to authorise the Sheriff and coroner of Hancock county, and their successors in office, to publish their sales of property levied on under execution in a newspaper published at Mount Zion in said county, entitled the Hancock Advertiser.

A bill to change the time of holding the Inferior court of Decatur county.

A bill to incorporate the Savings Bank of Augusta.

A bill to change the name of John Wesley McGhough, to that of John Wesley Searcy, and to entitle him to a distributive share of Benjamin R. Searcy's estate.

A bill to authorise the Inferior court of Habersham county to recover fines incurred by James Gaddis.

A bill to incorporate the Trustees of the Masonic Hall in the city of Augusta, was amended by unanimous consent and passed.

A bill to alter and amend the road law of this State, so far as relating to the counties of Burke and Laurens

A bill to authorise the Inferior Court of Butts county, to levy a tax for county purposes.

A bill to incorporate the Baptist Church at Shiloh in Greene

A bill to amend the second section of an act, to alter and amend

an act, passed the twenty third day of December, eighteen hundred and twenty-two, to distribute the Bank dividend, and other nett proceeds of the poor school fund amongst the different counties in this State, so far as respects the county of Jones.

A bill for the relief of the securities of William P. Reed, one of the district surveyors of the late acquired territory.

A bill to incorporate the Savannah Steam Rice-mill company.

A bill to establish an additional election district in the county of Pulaski.

A bill to authorise the courts of ordinary in the different counties in this State to grant and issue letters of guardianship upon the persons and property of illegitimate children.

A bill to amend the several acts relative to the establishment and regulation of election districts in the county of Gwinnett.

A bill to authorise the Justices of the Inferior court of Oglethorpe county to levy an extra tax to put and keep the public roads in said county in good order.

A bill to amend an act to appoint trustees for the poor school fund in Tattnall county, and vest the funds of the Tattnall county Academy in the same.

A bill to incorporate the Amsden Academy on Williams creek in Warren county.

A bill to establish an additional election district in the county of Habersham.

The bill to separate and divorce David Caudle and Rebecca Caudle his wife, was read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the affirmative.

The yeas are 41, the nays are 19.

Those in the affirmative are, Messrs.

Alexander	Ezzard	Ryalls
Baber	Gamble	Scarboro
Beall	Hawthorn	Sledge
Brown of Camden	Hendrick	Smith
Brown of Monroe	Holloway	Spann
Burton	Hoxey	Swain
Campbell	Lawson	Tennille
Clayton of Clark	Leonard	Thomas
Clayton of Pulaski	Moncrief	Tillman
Cochran	Moore	Williams
Coffee	Munroe	Wimberly
Cosby	Porter	Wooten
Crawford of Hancock	Powell	Worthy
Dunagen	Ray	

Those in the negative are, Messrs.

Allen	Denmark	Maxwell
Anderson	Harris	McDougald
Blackstone	Janes	McTyre
Blair of Habersham	Jordan	Miller
Blair of Lowndes	Luckie	Phillips
Crawford of Columbia	Martin	Sellers
Davies		

The bill to authorize the commissioners appointed to lay off the town of Macon to convey titles in fee simple to a certain portion of and to the Trustees of the Methodist Episcopal Church, for the erection of a parsonage house and other out buildings, was read the third time,

And on the passage of the bill, the yeas and nays being required, there not being a constitutional majority, it was determined in the negative. The yeas are 34, the nays are 21.

Those in the affirmative, are Messrs.

Allen	Gamble	Moore
Baber	Hawthorn	Munroe
Beall	Jordan	Ryalls
Blair of Lowndes	Lawson	Scarboro
Brown of Camden	Leonard	Sellers
Burton	Luckie	Smith
Campbell	Maxwell	Swain
Clayton of Clark	McDougald	Tennille
Clayton of Pulaski	McTyre	Thomas
Coffee	Miller	Wimberly
Davies	Moncrief	Wooten
Denmark		

Those in the negative are, messrs.

Alexander	Crawford of Hancock	Phillips
Anderson	Dunagen	Powell
Blackstone	Ezzard	Scarlet
Blair of Habersham	Harris	Sledge
Brown of Monroe	Hendrick	Spann
Cochran	Holloway	Tillman
Cosby	Janes	Worthy
Crawford of Columbia		

The bill to separate and divorce Sarah Boothe and Wiley Boothe her husband, was read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the affirmative.

The yeas are 43—the nays are 11.

Those in the affirmative are Messrs.

Alexander	Cosby	Janes
Allen	Crawford of Hancock	Lawson
Baber	Davies	Leonard
Beall	Denmark.	Moncrief
Brown of Camden	Dunagen	Moore
Brown of Monroe	Ezzard	Munroe
Burton	Gamble	Phillips
Campbell	Harris	Ryalls
Clayton of Clark	Hawthorn	Scarborough
Clayton of Pulaski	Hendrick	Sledge
Cochran	Holloway	Smith
Coffee	Hexey	Spann

in	Tillman	Wooten
nille	Wimberly	Worthly
mas		

those in the negative are Messrs.

erson	Crawford of Columbia	Miller
kstone	Luckie	Powell
of Habersham	Maxwell	Sellers
of Lowndes	McDougald	

he bill to reduce and fix the fees of the Jailor of Chatham coun-  
as read the third time and rejected.

r. Denmark, from the committee to whom was referred the pe-  
r of James Bennett, a revolutionary soldier, Reported—  
hat they have had the same under consideration, and are of the  
ion that the prayer of the petitioner should be granted. They  
efore recommend the following resolution :

*Resolved*, That the sum of        hundred dollars be placed in the  
opriation law in favor of James Bennett, in consideration of his  
lutionary services,

hich was read and ordered to lie on the table.

n motion,

he senate took up and referred the memorial of mrs. Warne to  
ommittee consisting of messrs. Baber, Crawford of Hancock and  
es.

r. Williams presented the report of the Oconee Navigation  
pany, which was, on motion, referred to the committee on Inter-  
mprovement.

he Senate adjourned until to-morrow morning half past nine  
ck.

#### SATURDAY, 15th Dec. 1827.

Crawford of Columbia moved to reconsider so much of the  
al of yesterday as relates to the disagreement of senate to the  
and resolution upon the petition of Col. Joel Bailey, which  
etermined in the affirmative.

motion of mr. Baber,

senate reconsidered so much of the journal of yesterday as  
to the rejection of a bill authorising the commissioners ap-  
to lay off the town of Macon to convey titles in fee simple  
ertain portion of land, to the trustees of the Methodist church,  
erection of a parsonage house, &c.

Swain presented the petition of Abner Chapman, which was  
d referred to the committee on petitions.

following motion of mr. Swain was read and ordered to lie on  
e the remainder of the session :

*Resolved*, That the senate will not receive any new matter after

Tuesday next to act upon, and that both branches of the general assembly will adjourn, sine die, on the 22d of this instant.

Mr. Allen, from the joint committee on Agriculture and Internal Improvement, to whom was referred the petition of sundry inhabitants of this State, praying the general assembly to provide for the purchase of a mechanical invention, said to be made by Peter Knorr, of Columbia county, Reported—

That they have examined said petition, and believe the subject matter to be properly referable to the joint committee on Petitions. They therefore ask to be discharged from the further consideration of said petition, and that it be referred to said joint committee on Petitions,

Which was read and agreed to.

Mr. Coffee, from the committee on Finance, to whom was referred the resolution in favor of Wm. Scott, jr. late tax collector for Camden county, Reported—

That they have had the same under consideration, and recommend the following resolution :

*Resolved*, That they consider it a subject matter that your committee have nothing to do with, and beg to be dismissed from the further consideration of the same,

Which was read and agreed to.

Mr. Allen, from the committee on Agriculture and Internal Improvement, to whom was referred the communication of his excellency the governor under date of the 31 inst. accompanied by the letter of resignation of Hamilton Fulton, Esq. State Engineer, Reported—

That they see in the diminished salary allowed by law to the State Engineer; abundant reason for mr. Fulton's withdrawal from this branch of the public service.

Regarding the actual value of an experienced and scientific Engineer to this country, the great difficulty of commanding the services of such an one, and the compensation with which gentlemen suitably qualified are in almost every other part of the civilized world rewarded, your committee cannot resist the conclusion, that Georgia must either renounce the policy of improving by art the commercial facilities of the State, or determine on an adequate enlargement of this item of her annual expenditure.

The deductions of science and of experience must precede the application of muscular labor. Millions may be wasted on prodigal contracts—the whole physical force of the State may be worn out in blind and ill-directed efforts to construct roads and canals; but such sacrifices can eventuate in nothing substantially useful to the country.

When it is considered that public works of this kind unavoidably involve the heaviest disbursements of public money, and that nothing short of success can relieve the funds employed from total loss, the services of a competent engineer can scarcely be too highly appreciated.

In the Kingdom of Great Britain the pay of an accomplished Engineer varies from three to seven guineas a day. In the military

vice of the United States, the same kind of service is compensated with a salary of from three to eight thousand dollars a year, believed too in most instances it is believed, on men of comparatively limited qualifications—comparatively limited, because of the improbability of procuring, for such sums, men of better established presentations of higher professional distinction.

Your committee have no vocation to bestow a compliment on the individual whose letter has been submitted to them. The office and vice of the State have engaged our deliberations, not the performances of any incumbent. For the service of the State we are especially solicitous; a service incalculably important as it is to the health and national greatness of any people, but one which we believe has in some countries been culpably deferred, and in others defeated by an ill-judged parsimony in the comparatively trivial item professional compensation;

*Be it therefore resolved,* That we totally disapprove any purpose to appoint an individual to the office of Chief Engineer, who had not even satisfactory proofs of the highest order of professional endowments.

*And be it further resolved,* That we recommend the annexation of a liberal salary to the office of Chief Engineer,

Which was read and agreed to.

Mr. Crawford of Hancock, from the joint committee to which was assigned the duty of procuring and presenting to the general assembly a plan for the enlargement of the State-house, Reported—

That of the two which they have had under consideration, the one furnished by Hamilton Fulton, Esq. State Engineer, has their decided preference. As this plan is handsomely exhibited on a tablet herewith reported, it is deemed unnecessary to add a minute description of it. It however consists essentially of an addition to the north end of the building thirty-two feet long, comprising wings on triangular projections on each side, twenty-feet in extent of base-line, with an elevation to correspond with that of the present building.

Thus enlarged, the Representative Hall, exclusive of the spaces given to a principal aisle and narrower passages to the Speaker's chair, will afford seats for two hundred and sixty-eight members, a convenient promenade in the rear of the Speaker's chair, galleries of sufficient size to accommodate one thousand spectators, ten committee rooms and two closets.

The State-house edifice, enlarged and improved on this plan, will have its principal front towards the north, with the basement of nine-four feet and elevation of three ample stories, ornamented with towers, ramparts, &c. &c. in Gothic style.

The Architect to whose politeness the committee is indebted for this plan, estimates the total cost of execution at a sum between six and twenty thousand dollars, depending of course on the current price of materials and the measure of ornamental finish which the taste of the superintendent may prescribe. He also states, that if old contracts be early and advantageously made for the supply of brick, timber, plank, &c. the building can be so far advanced by



November next, to admit of use by the legislature ; but that if retarded to a later period, the work may nevertheless proceed without disturbing or changing the present condition of the representative hall until the close of the next session.

Influenced by these views of the subject referred to their consideration, the committee beg leave to ask of the general assembly its concurrence in the following resolves :

First, That the plan for the enlargement of the capitol here reported, be adopted and carried without delay into execution.

Second. That his excellency the Governor have authority to charge the State Engineer, or any architect whom he may employ for that purpose, with the supervision and order of said work.

Third. That his excellency also require the Secretary of State, or some other person of his own nomination, to keep an accurate account of the contracts made and monies disbursed for and on account of said building, and that the Governor shall in no instance draw a warrant for any monies appropriated for such building, until such accountant shall have audited and allowed the claim, and his excellency shall have approved the same.

Which was read and directed to lie on the table.

The bill to explain and amend an act to vest the State's interest in the property of Joel Music, late of Burke county, deceased, in the sisters of said deceased,

Was read the second time and ordered for a third reading.

The bill to prevent the surveying or granting of certain lands either under head rights, or in any other way, and for other purposes,

Was read the third time and passed.

The senate took up and agreed to the report on the bill to incorporate a bank in the city of Augusta, to be denominated the Merchants' and Planters' Bank of the city of Augusta. The bill was then read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the affirmative.

The yeas are 38, the nays are 22.

Those in the affirmative are Messrs.

Allen	Ezzard	Porter
Baber	Gamble	Remson
Blackstone	Hendrick	Ryalls
Blair of Lowndes	Hoxey	Scarboro
Burton	Lawson	Sledge
Campbell	Lockie	Smith
Cargille	Martin	Spann
Clanton of Clark	McDugald	Swain
Cochran	McTyre	Tennille
Cosby	Moncrief	Williams
Crawford of Columbia	Moore	Wimberly
Crawford of Hancock	Munroe	Worthy
Davies	Phillips	

Those in the negative, are Messrs.

Alexander	Groves	Ray
Beall	Harris	Scarlet
Pair of Habersham	Hawthorn	Sellers
Town of Camden	Holloway	Thomas
Town of Monroe	Janes	Tillman
Layton of Pulaski	Jordan	Walthour
Denmark	Leonard	Wooten
Dunagen		

On motion,

Mr. Clayton of Clark had leave to withdraw the petition of John Patrick and the report thereon.

The Senate resolved itself into a committee of the whole on the bill to prescribe the terms on which persons may be discharged with or without bail—mr. Campbell in the chair.

The President having resumed the chair, mr. Campbell reported the bill without amendment.

The senate took up and agreed to the report. The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, on the bill regulating the advertising estrays in this State—mr. Beall in the chair.

The President having resumed the chair, Mr. Beall reported the bill without amendment. The senate took up and agreed to the report. The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, mr. Crawford of Hancock in the chair, on the bill to alter a part of the third section of the first article of the constitution of the State of Georgia; also, a part of the seventh section of the 3d article thereof; also, a part of the 12th section of the said first article thereof; also, a part of the first section of the third article of the said constitution; also, a part of the third section of the said third article of the said constitution.

The president having resumed the chair, mr. Crawford reported the bill without amendment. The Senate took up and agreed to the report.

The bill was read the third time, and on the passage of the bill, yeas and nays being required, it was determined in the negative, there not being a constitutional majority.

The President voting in the negative, the yeas are 30--the nays are 29.

Those in the affirmative are, Messrs.

Alexander	Davies	Lawson
Den	Denmark	Leonard
Beall	Dunagen	Luckie
Blackstone	Gamble	Maxwell
Pair of Lowndes	Groves	McDougald
Town of Monroe	Holloway	McTyre
Beall	Janes	Miller
Crawford of Columbia	Jordan	Moncrief

Porter-  
Remson

Scarlett  
Sledge

Tennille  
Worthy

Those in the negative are, Messrs.

President

Ezzard

Scarboro

Beall

Harris

Smith

Baker of Habersham

Hendrick

Spann

Brown of Camden

Hoxey

Thomas

Burtis

Moore

Tennan

Campbell

Munroe

Walthour

Carville

Phillips

Williams

Clayton of Clark

Powell

Watson

Cochran

Ray

Wimberly

Cosby

Ryalls

Wooten

The Senate resolved itself into a committee of the whole, on the bill to alter and fix the time of holding the Superior and Inferior courts in the Ocmulgee district, so far as relates to the counties of Wilkinson, Jones and Jasper--Mr Crawford of Columbia in the chair.

The President having resumed the chair, Mr. Crawford reported the bill with amendment--The senate took up and agreed to the report.

The caption being amended, the bill was read the third time and passed under the title of "a bill to alter and fix the time of holding the Superior and Inferior courts in the Ocmulgee district, so far as relates to the counties of Wilkinson and Jasper."

The senate resolved itself into a committee of the whole, Mr. Clayton of Clark in the chair, on the bill to dispose of the residue of lands heretofore reserved for the use of the State.

The President having resumed the chair, Mr. Clayton reported the bill with amendment. The senate took up and agreed to the report.

The bill was read the third time--and on the passage of the bill, the yeas and nays being required, it was determined in the affirmative. The yeas are 49, the nays are 7.

Those in the affirmative are, messrs.

Baker

Denmark

Maxwell

Bear

Dungen

McDougald

Birkbeck

Ezzard

McTyre

Brown of Lowndes

Gamble

Miller

Brown of Camden

Groves

Moore

Burtis

Harris

Munroe

Campbell

Hawthorn

Phillips

Carville

Hendrick

Powell

Clayton of Clark

Janes

Ray

Cochran

Jordan

Ryalls

Cosby

Lawson

Scarboro

Crawford of Columbia

Luckie

Scarlett

Cutler

Martin

Sellers

Sledge  
Smith  
Spann  
Tennille

Tillman  
Walthour  
Williams

Wimberly  
Wooten  
Worthy

Those in the negative are Messrs.

Blair of Habersham  
Brown of Monroe  
Coffee

Moncrief  
Porter

Remson  
Swain

The senate resolved itself into a committee of the whole, Mr. Gamble in the chair, on the bill to alter and amend in part the laws of this State regulating the descent of intestates' estates.

The President having resumed the chair, Mr. Gamble reported the bill with amendment. The Senate took up and agreed to the report. The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, on the bill to divide the counties of Carrol and Coweta into electoral districts, and to add a certain part of the Cherokee nation to the county of Carrol, for the purpose of giving criminal jurisdiction to the same—Mr. Coffee in the chair.

The President having resumed the chair, Mr. Coffee reported the bill with amendment. The senate took up and agreed to the report.

And the caption being amended, the bill was read the third time and passed under the title of "a bill to divide the counties of Carroll and Coweta into electoral districts, and to add a certain part of the Cherokee nation to the counties of Carroll and DeKalb, for the purposes of giving criminal jurisdiction to the same."

The bill to form a new county out of part of the county of Lowndes and to organize the same, was ordered to lie on the table until called up.

The senator from Burke had leave of absence after Friday next for the remainder of the session.

On motion,

The rule of senate was dispensed with so far as to direct the secretary to carry forthwith all the bills passed this day to the house of representatives.

Mr. Davies from the Committee to whom was referred the communication of his Excellency the Governor of the 1st instant, disapproving of the resolution originating in the Senate, upon the proposition of the Bank of Darien for the gradual redemption of its notes—reported,

That in the opinion of your committee, the State has in fact sustained no loss from the circumstance of her having had in her treasury for more than two years past, a large amount of the bills of the Bank of Darien. Your committee do not know that the State receives any interest from the funds which come into her treasury; and if instead of the bills of the Bank of Darien, she had had the same amount of the bills of any other Bank or of specie in her treasury, they must have been quite as unproductive of interest.—

Nor can your committee discover that the State has been subjected to any inconvenience or embarrassment from the circumstance just alluded to, since she has always had in her treasury, a sufficient of current notes to meet the ordinary expences of the Government, and when she has made a loan or large appropriations for Internal Improvement, the bills of the Bank of Darien have been found to answer for such purposes.

Your committee are aware that at a time when great fears and apprehensions were entertained as to the solvency of the Bank, it might then have been said, that the State was subjected to the probability of loss, without any compensation for the hazard to which she was exposed ; but when it is recollected, that she had a deep interest in the Bank, resulting from the stock which she owned, and that, that interest had been increased by the collection into the Treasury of a large amount of bills, at a time when those bills were current, your committee cannot but believe that those circumstances afford a sufficient justification for the forbearance and indulgence which were extended to the institution. But your committee believe that in determining on the course which should now be pursued in relation to the Bank, it is useless to recur to measures which are passed and cannot be corrected or changed, but that we must be influenced in forming an opinion by the existing state of things.

Your committee are aware, that the character of a monied corporation, is in general estimated not by its ability or inability ultimately to meet the demands which may be brought against it, but by the interested opinions of Stock-brokers and Money-changers ; but they cannot admit that this is always a correct test of the soundness or solvency of a Bank, since they find five individuals of the first standing for talent, integrity and honor, declaring in relation to a bank, the stock of which in the opinion of these Brokers and Money lenders was valueless, that that stock had lost certainly not more than twenty per cent on its par value, and probably not so much—and that whilst those bills are not current, they are in fact perfectly good, and the stock of the bank worth quite as much as the stock of other banks which are admitted to be perfectly sound and solvent, will now command in market.

The State in her corporate capacity has a great pecuniary interest in the bank of Darien, and she ought also to have a strong interest of feeling for those of her citizens whose fortunes are in a great measure identified with that of the bank, and who have no control or influence over her destiny. If the bills now in the Treasury are thrown upon the market, they must soon be as they have been, from ten to twenty per cent below par : they then become an article of speculation and soon find their way into the hands of these stock brokers and money changers, and the bank by a very simple process is subjected to the payment of interest on them, (a load under which no bank can carry on its operations long) then to judgment and execution. As an only alternative, she will be compelled to press her debtors, at a most unpropitious period in the history of our country, even to ruin. The consequence must be that many persons who with a little indulgence would be able to

to the bank to the uttermost farthing what they owe, become the sacrifice of their property unable to pay the principal of her debts. The property of the Bank must be sacrificed at auction, her resources are cut off, she sinks under the pressure, and all results to the stock-holders.

Your committee believe that it was not the intention of the Legislature, when they acceded to the proposition made by the Bank of Darien for the gradual redemption of her bills, to afford any funds for a belief that the measure proposed by the Bank of reaping business, was approved by the Legislature, though such an inference may have been warranted; your committee are disposed to believe that such a measure would be impolitic, though they may very well doubt the soundness of this opinion, when they find that it conflicts with the opinion expressed by the stock holders at the meeting held at Darien, among whom were the representatives of the State, regularly appointed and duly commissioned.

But the committee repeat that the adoption of the proposition of the Bank should in no wise be considered as calculated to give directly or indirectly the sanction of the Legislature to the resumption of business by the Bank.

Your committee on the whole, are induced to recommend the passage of the original resolution on the proposition of the Bank of Darien, if there shall be a majority of two thirds in favor of it,

Which was read and made the order of the day, together with the original resolution on the proposition of the Darien Bank, for Tuesday next.

Mr. Gamble submitted for the consideration of the Senate, the following preamble and resolution—

Whereas there is now in the treasury of this State, a large amount of money in bills of the Bank of Darien, and which have been lying in the treasury for a considerable length of time without any profit or benefit to the State, and it is apprehended that if payment of the said bills are required immediately it will be the means of irreparably ruining the condition of the said Bank; the State of Georgia owns one half of the capital of the said Bank, and the Legislature consequently feels deeply interested in its preservation, yet it cannot consent to do so at the entire expense of the State, which it could do, were it to submit the propositions of the said Bank to the Legislature; therefore being actuated from a desire of preserving the said Bank, and at the same time as far as practicable the justice of the State, cannot accede to the propositions of the Darien Bank unconditionally, because it would be manifest injustice, to compel the State to hold in her treasury, so large an amount of money of the said Bank without profit or interest, when the said Bank is receiving interest upon every dollar of their bills now in the treasury, the Legislature believe it will be nothing but sheer justice that the State should at least have a moiety of this interest, and being fully impressed with the belief, that it would be both to the interest of the Bank and the State, that there should be a compromise between them in relation to this matter, and that the propositions of the Bank to this Legislature, should be acceded to upon certain condi-

tions and stipulations do recommend for that purpose the adoption of the following resolutions—

*Be it resolved by the Senate and H. of Representatives of the State of Georgia,* That the propositions of the Bank of Darien to pay into the Treasury of Georgia, seventy-five thousand dollars every six months, to be computed from the 1st of January, 1828, be acceded to, provided the said Bank will pay to the State upon the amount of their bills now in the treasury at the rate of four per cent per annum, until such time as the whole sum shall have been redeemed.

*And be it further resolved,* That if the said Bank shall fail or refuse to accede to the above propositions within sixty days after the adjournment of the Legislature, or after having acceded to the said propositions shall fail or refuse to pay the said sum of seventy five thousand dollars semi-annually with the accruing interest thereon as aforesaid, the said proposition shall be no longer binding on the State, and in that case the Governor shall pursue such measures to secure the payment of the Bank bills and interest thereon, as he shall deem fit and proper.

*And be it further resolved,* That the said Bank shall not commence banking operations for twelve months or discount notes except upon such sum or sums of money as they shall be able to collect on debts now due the institution, and except the collection and renewal of the notes already discounted by the said bank, until the further direction of the Legislature; which was directed to lie on the table till Tuesday next.

Mr. Crawford of Columbia laid on the table the following resolutions:

*Resolved,* That his Excellency the Governor be and he is hereby authorised and required within the month of January next, to appoint three commissioners of which the Treasurer of the State shall be one, to loan out such part of the notes of the Darien Bank now in the treasury of this State, as may be applied for by the debtors of said bank, on the terms following, viz—

1st. The loan made to be reimbursed to the treasury in specie or current bills by four equal annual instalments, with interest on said loan at the rate of ——— per cent per annum till the whole is reimbursed.

2d. The debt thus contracted to the treasury or State of Georgia shall be secured by promissory note to the treasurer or his successors in office for the use of the State, by the person asking the loan, and such other person or persons as said commissioners shall deem unquestionably sufficient to secure the payment to the State.

3d. On the execution of such, the treasurer shall accept a check or draft to be drawn by the person thus obtaining such loan for the amount thereof in favor of the Bank of Darien payable in its own paper.

*And be it further resolved,* That so soon as a majority of the stockholders of the Darien Bank shall direct it, the State being represented by an agent to be appointed for that purpose by his Excellency the Governor, voting according to the quantity of stock which the State holds in said Bank the mother bank with all its

powers of government and control, shall be removed to, and located permanently in the town of Milledgeville, as said stock holders including the State may direct,

Which were also made the order of the day for Tuesday next.

The Senate adjourned until Monday morning next, 1-2 past 6 o'clock.

*MONDAY, 17th Dec. 1827.*

The senate, on motion, took up the consolidated report of the committee on Banks, and made it the order of the day for to-morrow.

The following communications were received from the Governor by Mr. Pierce his secretary :

Executive Department, Geo. }  
December 14th, 1827. }

A resolution approved on the 23d of December, 1822, required the commissioners of the Savannah River Navigation between Augusta and Petersburg, to deposit in the Branch of the State Bank at Washington, before the 1st of February ensuing, the unexpended balance of the appropriation made in 1818, for the improvement of the navigation of that portion of the river. The sum of \$4,556 and 46 cents was consequently deposited on the 8th of February, 1823, to the credit of the State, subject to the future disposition of the legislature. As no legislative disposition has been made of this fund, and none seems to be contemplated, I was about to order it to be replaced in the public treasury, but the terms of the resolution are such that some doubt is entertained of the propriety of an executive order, until the sanction of the general assembly is first obtained. The propriety of authorising the executive to withdraw the amount deposited, and to cause it to be replaced in the treasury with the other funds of the State, is submitted to the consideration of the general assembly.

Signed,

JOHN FORSYTH.

Which was read and referred to the committee on Finance.

EXECUTIVE DEPARTMENT, GA., }  
Dec. 15th, 1827. }

The report of the commissioners appointed by the 1st section of the act of 1826, for the improvement of certain water courses, this day presented at this department, is herewith transmitted to the general assembly, to whom it is directed.

Signed,

JOHN FORSYTH.

Which was read and referred to the committee on Internal Improvement.—And

That his excellency the governor had assented to and signed the following acts, to-wit :

An act for the division of the late acquired counties of Carroll,



Troup, Muscogee and Lee, into counties of a proper shape and size. An act to alter and fix the time of holding the Superior and Inferior Courts in the Chattahoochee circuit, and to add the county of Fayette to the Flint circuit. And

That he had approved and signed the resolution for the relief of John Winn, late tax collector of Liberty county.

Ordered, that the committee on Enrollment carry said acts to the Secretary of State's office, and see the Great Seal of the State affixed thereto.

The following message was received from the house of representatives by Mr Dawson their clerk :

*Mr. President—*

The House of Representatives have passed the following bills of Senate, to-wit—

The bill to amend an act entitled an act to incorporate the Philomathia Academy, and to appoint other commissioners therein named.

The bill to compel all persons who do or may hereafter own settled plantations and negroes in the county of Bryan, to make their tax returns and pay their taxes annually in said county.

The bill to authorise the next receiver of tax returns for the county of Thomas to receive the tax returns of the citizens of said county, or any other person whose taxes are due the State prior to the year 1827, and to make it the duty of the collector of taxes for the county of Thomas to collect the said taxes.

The bill to incorporate the Locust Grove Academy in Warren county.

The bill to establish an additional place of holding elections in the county of Tattnall.

The bill to amend the road laws so far as respects the county of Chatham.

The bill to lay off the county of Jackson into school districts, and to vest the free school and academy funds in certain commissioners to be appointed for said district, and to incorporate the same.

And they have passed the following bills of the house of representatives, to-wit :

The bill to raise a tax for the support of Government, for the year 1828.

The bill to incorporate the Lafayette Hall Academy in the county of Greene.

The bill to authorise Mordecai Shackelford to build and keep up a mill dam across the Alcofauhatchy river on certain conditions.

The bill to authorise the trustees of the Clinton Academy in the county of Jones, to raise by lottery the sum of five thousand dollars, for the benefit of said academy.

The bill to appoint two additional trustees of the poor school fund of the county of Ware, to establish school districts, and to apportion the poor school fund among said districts.

The bill to incorporate the Social Circle Academy in the county of Walton.

The bill to amend an act to admit certain deeds to record, and to

authorise the same or copies thereof to be made evidence, and also the copies of other deeds.

The bill to give to informers under the laws of this State disposing of the late acquired territory, who may take out the grants for lands drawn in consequence of fraudulent returns, the preference, where there may be several sci. fas. filed in any of the courts of this State against the same defendant or defendants—and

The bill for the relief of renters of public property in the counties of Lee, Muscogee, Troup, Coweta and Carroll, and the reserve at the Old Agency on Flint river, and renters of public property on the reserve at Macon, in the county of Bibb.

The house of representatives have unanimously agreed to a resolution requesting the governor to cause a tomb-stone to be placed over the grave of the late John Bell, Esq. a member at the time of his death of said House, and requesting him to pay the expences of his funeral out of the contingent fund.

And they have agreed to the report of the committee on Finance, relative to the situation of the Treasury Books, &c. and the conduct of the late Treasurer,

To which they desire concurrence.

The house of representatives have also passed the following bills, to wit—

A bill to authorise the trustees of the Meson Academy in the county of Oglethorpe to sell and convey the real estate devised to said institution by Francis Meson, dec'd.

A bill to give a more effectual and speedy relief to bonafide purchasers of property which is incumbered with judgments and mortgages previous to its transfer.

A bill more effectually to enforce the provisions of the statute of 1826, so far as the same regards the arrival of persons of color in the several ports and waters of this State.

A bill to sell and dispose of lots Nos. 10. and 100 in the several districts in the counties of Appling and Ware, reserved by the land lottery of 1818 for the education of poor children—and

A bill to amend and consolidate the several acts which have been passed in relation to the powers and privileges of the corporation of the city of Savannah, and to extend the jurisdictional limits of the same, for the purposes herein mentioned.

Mr. Davies presented the memorial of the President and Directors of the Marine and Fire Insurance Bank of the State of Georgia, protesting against the further loaning of money at Darien or in its vicinity, as inexpedient,

Which was directed to lie on the table.

The bill to explain and amend an act to vest the State's interest in the property of Joel Music, late of Burke county, deceased, in the sisters of said deceased,

Was read the third time and passed.

The senate resolved itself into a committee of the whole; mr. Powell in the chair, on the bill to prescribe a permanent system of Internal Improvement.

The President having resumed the chair, Mr. Powell reported the bill to the committee. The senate took up, agreed and agreed to the report.

The bill was read the third time, and on the passage of the bill, the yeas and nays being required it was determined in the negative.

The yeas are 30—the nays are 33.

Those in the affirmative are Messrs.

Allen	Hoxey	Porter
Baber	Janes	Ryalls
Beall	Lawson	Scabero
Cambell	Leonard	Scarlet
Cargille	Luckie	Sledge
Clayton of Clark	McDougald	Smith
Crawford of Columbia	McGyre	Tennille
Crawford of Hancock	Miller	Thomas
Ezzard	Munroe	Williams
Gamble	Phillips	Wimberly

Those in the negative are Messrs.:

Alexander	Deomark	Powell
Anderson	Danagen	Ray
Blackstone	Groves	Remson
Blair of Habersham	Harris	Sellers
Blair of Lowndes	Hawthorn	Spann
Brown of Camden	Hendrick	Swain
Brown of Monroe	Jordan	Tillman
Burton	Martin	Walthour
Cochran	Maxwell	Wilson
Coffee	Moncrief	Wooten
Davies	Moore	Worthy

The senate resolved itself into a committee of the whole, Mr. Porter in the chair, on the bill for the benefit of the citizens of Bibb county, residing on the east side of the Ocmulgee river.

The president having resumed the chair, Mr. Porter reported the bill without amendment. The senate took up and agreed to the report.

The bill was read the third time and rejected.

The Senate resolved itself into a committee of the whole, Mr. Sledge in the chair, on the bill for the relief of Lewis Lynch.

The president having resumed the chair, Mr. Sledge reported the bill without amendment. The senate took up and agreed to the report.

The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Holloway in the chair, on the bill to authorise certain commissioners therein named to sell and dispose of fraction No 364 in the 3d district Coweta county, to Robert Corry, sen. of DeKalb county, on certain conditions.

The President having resumed the chair, Mr. Holloway reported disagreement to the bill. The senate took up, and agreed to the report.

Mr. Crawford of Columbia reported, instantler, a bill to amend an act entitled an act to incorporate the Bank of Darien, passed the 15th of December, 1818, and for the removal of the same,

Which was read the first time.

On motion of Mr. Powell,

*Resolved*, That his excellency the governor lay before the senate a copy of the opinions given by the late Charles Harris, Esq. and that of William B. Bulloch, Esq. on the constitutionality of the act of the last session of the legislature, for the removal of the Bank of Darien.

The senate took up and agreed to the report and resolutions of the joint committee to whom was assigned the duty of procuring and presenting to the general assembly a plan for the enlargement of the State-house.

The senate resolved itself into a committee of the whole, Mr. Moncrief in the chair, on the bill to separate and divorce Polly Cleg-horn and William Cleghorn her husband.

The president having resumed the chair, Mr. Moncrief reported the bill without amendment. The senate took up and agreed to the report.

The bill was read the third time, and on the passage of the bill, the yeas and nays being required, it was determined in the affirmative. The yeas are 44—the nays are 16.

Those in the affirmative are Messrs.

Alexander	Gamble	Ryalls
Allen	Groves	Scarborough
Beall	Hawthorn	Scarlett
Brown of Camden	Headrick	Sledge
Brown of Monroe	Holloway	Smith
Burton	Hoxey	Spann
Campbell	Janes	Swain
Clayton of Clark	Lawson	Tennille
Cochran	Leonard	Thomas
Coffee	Moncrief	Williams
Cosby	Moore	Wilson
Crawford of Hancock	Munroe	Winberly
Davies	Porter	Wooten
Dunagen	Powell	Worthy
Ezzard	Ray	

Those in the negative are Messrs.

Anderson	Harris	McDougald
Blackstone	Jordan	McEyre
Blair of Habersham	Luckie	Miller
Blair of Lowndes	Martin	Phillips
Crawford of Columbia	Maxwell	Sellers
Denmark		

The senate resolved itself into a committee of the whole on the bill to separate and divorce Fanny Thompson and Richard G. Thompson her husband—Mr. Cochran in the chair.

The president having resumed the chair, Mr. Cochran reported.

the bill without amendment. The senate took up and agreed to the report.

The bill was read the third time, and on the passage of the bill, the yeas and nays being required, there not being a constitutional majority in its favor, it was determined in the negative.

The yeas are 33—the nays are 26.

Those in the affirmative are, Messrs.

Alexander	Gamble	Scarborough
Beall	Hendrick	Scarlet
Brown of Camden	Holloway	Smith
Brown of Monroe	Lawson	Spann
Burton	Moncrief	Swain
Campbell	Moore	Walthour
Cargille	Porter	Williams
Cochran	Powell	Wilson
Coffee	Ray	Wimberly
Cosby	Remson	Wooten
Ezzard	Ryalls	Worthy

Those in the negative are, Messrs.

Allen	Dunagen	Martin
Anderson	Groves	Maxwell
Blackstone	Harris	McDougald
Blair of Habersham	Hawthorn	McTyre
Blair of Lowndes	Hoxey	Miller
Clayton of Clark	Janes	Phillips
Crawford of Columbia	Jordan	Sellers
Davies	Leonard	Tennille
Denmark	Luckie	

Mr. Scarlett, from the committee on Enrollment, reported as duly enrolled and signed by the Speaker of the house of representatives, the following acts:

An act to amend an act entitled an act, to incorporate the Knoxville Academy in Crawford county.

An act to amend an act to incorporate the Franklin Academy in Upson county.

An act for the relief of the citizens of Tattnall county.

An act to legalize and make valid a certain grant of land heretofore issued to Robert A. Beall.

An act to repeal an act entitled an act, for the division of Upson county into electoral districts, and to establish an additional election district in the county of Rabun, so far as regards Upson county.

An act to regulate the trading of merchants, shopkeepers, and others, so far as regards the county of Glynn, and to punish those who may attempt to defeat the same.

An act to change the names of certain persons.

An act to appoint commissioners for the improvement of the Ocmulgee river, in the counties of Butts, Jasper and Jones.

An act to alter and amend the first section of an act, passed 24th December, 1825, to regulate the general elections in this State, of far as respects the county of Burke.

An act to regulate the rate of toll at the ferries and bridges on owaliga river in Butts and Monroe counties.

An act to repeal an act entitled an act, for inflicting penalties, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned, far as relates to the banishment of Lewis Johnston, jun.

An act to alter and change the names of Samuel Standefer and William Williams.

An act to establish an additional election district in the county of Elbert—and

An act to establish and make permanent the ferry on the Chatahoochee river in the county of Hall, known by the name of Obajah Light's ferry.

Which were presented to and signed by the President of Senate.

Ordered, that the committee on enrolment carry the same to the Governor for his approval.

The Senate resolved itself into a committee of the whole, Mr. Wooten in the chair, on the bill to quiet the claim and title of William Arnold and his assigns, to lot No. 167 in the 9th district of Hall county.

The President having resumed the chair, Mr. Wooten reported that the bill lie on the table until called up. The senate took up and agreed to the report.

The senate resolved itself into a committee of the whole, on the bill to sell and dispose of the State's interest in lots of land in the late purchase, which have been or hereafter may be relinquished to the State, and such as have been or hereafter may be condemned as fraudulently drawn in the aforesaid purchase—Mr. Ezzard in the chair.

The president having resumed the chair, Mr. Ezzard reported the bill with amendment. The senate took up and agreed to the report.

The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Phillips in the chair, on the bill to facilitate the recovery of personal property in certain cases.

The president having resumed the chair, Mr. Phillips reported the bill without amendment. The senate took up and agreed to the report.

The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, on the bill to amend an act entitled an act more effectually to compel Justices of the Peace and Constables to pay over money received or collected by them in their official capacities—Mr. Crawford of Hancock in the chair.

The president having resumed the chair, Mr. Crawford reported the bill without amendment.

Ordered, that the report lie on the table.

The senate resolved itself into a committee of the whole, on the bill to divorce Catherine Wilson and John Wilson her husband—Mr. McDougald in the chair.

The President having resumed the chair, Mr. McDougald reported the bill without amendment. The senate took up and agreed to the report. The bill was read the third time,

And on the passage of the bill, the yeas and nays being required it was determined in the affirmative.

The yeas are 45—the nays are 19.

Those in the affirmative are Mesers.

Alexander	Ezzard	Remson
Baber	Gamble	Ryalla
Beall	Groves	Scarborough
Brown of Camden	Hendrick	Scarlett
Brown of Monroe	Holloway	Sledge
Burton	Lawson	Smith
Campbell	Leonard	Spann
Cargille	Maxwell	Swain
Clayton of Clark	McTyre	Thomas
Clayton of Pulaski	Moncrief	Tillman
Cochran	Moore	Walthour
Coffee	Munroe	Williams
Cosby	Porter	Wilson
Crawford of Hancock	Powell	Wimberly
Davies	Ray	Wooten

Those in the negative are Messrs.

Allen	Harris	Martin
Anderson	Hawthorn	Miller
Blackstone	Hoxey	Phillips
Blair of Habersham	Janes	Sellers
Blair of Lowndes	Jordan	Tennille
Crawford of Columbia	Luckie	Worthy
Denmark		

A message was received from the house of representatives, by Mr. Dawson their clerk, informing the senate that

The house of representatives had passed the following bills :

A bill to organize the counties of Meriwether, Troup, Harris, Talbot, Marion and Muscogee.

A bill to authorise, upon certain conditions, certain persons to plead and practice law in the different courts of law and equity in this State, and to make a part of them liable in law for their contracts after a particular time, and also to authorise Joel Terrill to practice medicine for a certain time, and for other purposes.

The Senate adjourned until 3 o'clock P. M. this day.

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3 o'clock P. M. Monday, Dec. 17,

The senate resolved itself into a committee of the whole, Mr. Williams in the chair, on the bill to establish a board of visitors in

poor schools, and to require teachers in the several districts to report the number of poor children and teach the same.

The president having resumed the chair, mr. Williams reported agreement to the bill. The senate took up and agreed to the report.

The reconsidered bill to ascertain and fix the fees of public officers, where the same is not ascertained by law, was read the third time,

And on the passage of the bill, the yeas and nays being required, was determined in the affirmative.

The yeas are 39, the nays are 21.

Those in the affirmative are, Messrs.

Baber	Holloway	Powell
Brown of Camden	Hoxey	Ray
Brown of Monroe	Jordan	Remson
Campbell	Lawson	Ryalls
Clayton of Clark	Leonard	Scarboro
Cosby	Luckie	Scarlett
Crawford of Columbia	Maxwell	Sledge
Crawford of Hancock	McDougald	Smith
Davies	McTyre	Spaun
Ezzard	Miller	Tennille
Gamble	Munroe	Thomas
Harris	Phillips	Williams
Hendrick	Porter	Worthy

Those in the negative are, Messrs.

Alexander	Cochran	Moncrief
Allen	Denmark	Moore
Anderson	Dunagen	Sellers
Beall	Groves	Swain
Blair of Habersham	Hawthorn	Tillman
Blair of Lowndes	Janes	Walthour
Cargille	Martin	Wooten

The secretary, on motion, was ordered to carry, forthwith, the bills passed on this day, and the resolutions and reports agreed to or concurred in, to the house of representatives.

On motion of mr. Clayton of Clark,

*Resolved*, That both branches of the general assembly will convene in the representative chamber at 7 o'clock this evening, for the purpose of proceeding to the election of a Major General of the 3th Division Georgia militia, and also that of a Principal Keeper and three Inspectors of the Penitentiary.

On motion of mr. Clayton of Clark,

*Resolved*, That messrs. Groves, Anderson and Williams be a committee on the part of senate, to join such as may be appointed on the part of the house of representatives, to bring up the unfinished business of the general assembly after its adjournment, and that they be allowed three days to do the same, and to examine the accounts of the members of senate and its officers.



The senate took up the several messages of the house of representatives, and the bills therein were read the first time.

The senate took up and concurred in the report of the committee on Finance, relative to an examination by them of the Comptroller General's and Treasurer's offices.

The senate also concurred in the resolution of the house, requesting the Governor to cause the funeral expenses the late John Bell to be defrayed out of the contingent fund, and to have a suitable tomb stone erected over his grave, &c.

Ordered, that the secretary, for the remainder of the session, carry all bills that are passed, &c. &c. to the house of representatives, unless otherwise specially directed.

The following bills were read the second time and ordered for a committee of the whole;

A bill to amend a part of the counties of Talbot and Marion to the county of Crawford.

A bill to extend and define the corporate limits of the town of Dorchester.

A bill to extend the civil jurisdiction of this State, over the unlocated territory thereof now in the possession of the Cherokee Indians.

The following bills were read the third time and passed:

A bill to incorporate the Baptist and Presbyterian Churches in the town of Washington, Wilkes county.

A bill to appoint commissioners to select a site for the public buildings in the county of Irwin, and to make permanent the same.

A bill to appoint trustees for the poor school fund for the county of Irwin.

A bill authorising James Turrentine of Pike county to establish a ferry across Flint river on his own land.

A bill to incorporate the Presbyterian Church in Lexington.

A bill to authorise the commissioners of the Washington county academy to raise by lottery the sum of ten thousand dollars.

The bill for the relief of certain drawers in the recent land lottery, was read the third time and ordered to lie on the table the balance of the session.

A bill to change the name of Sarah Tanner to that of Sarah Brown, and establish her in all the rights of one born in lawful wedlock.

A bill to reduce the amount of the Sheriffs' bonds in this State so far as respects the county of Ware.

A bill to incorporate the Pleasant Grove Academy in the county of Henry, and to appoint Trustees for the same.

A bill to authorise an additional volunteer company of riflemen in the county of Hall.

A bill to establish an additional election district in the county of Jefferson.

A bill authorising John Rushin to establish a ferry across Flint river.

A bill to repeal a part of an act entitled an act to make permanent the site of the public buildings in the county of Fayette at Fayette.

He, and to incorporate the same, passed 20th Dec. 1823, and to amend said act.

The bill authorising a lottery for the benefit of the poor of Burke county, was read the third time and rejected.

A message was received from the house of representatives by Mr. Dawson their clerk, informing the senate that

The house had concurred in a resolution of senate bringing on certain elections at 7 o'clock this evening.

A message was received from the Governor by Mr. Pierce his secretary, informing the senate that

His excellency the Governor had approved and signed a resolution of senate, for the election at 7 o'clock this evening of a Major general for the 8th division of Georgia militia, a Principal Keeper of three Inspectors of the Penitentiary—and that

His excellency the Governor had also assented to and signed the following acts :

An act to change the names of certain persons.

An act to repeal an act entitled an act for the division of Upson county into electoral districts, and to establish an additional election district in the county of Rabun, so far as regards Upson county.

An act to amend an act, to incorporate the Franklin Academy Upson county.

An act to amend an act entitled an act to incorporate the Knoxville Academy in the county of Crawford.

An act to establish and make permanent the ferry on the Chatahochee river in the county of Hall, known by the name of Obadiah Ght's ferry.

An act to repeal an act entitled an act for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned, so far as relates to the banishment of Lewis Johnson, jun.

An act to establish an additional election district in the county of Bert.

An act to alter and change the names of Samuel Standifer and Wm. Williams.

An act to appoint commissioners for the improvement of the Ogeechee river in the counties of Butts, Jasper and Jones.

And directed me to lay before the senate the following communication :

Executive Department, }  
Dec. 15th, 1827. }

Neither Mr. Charles Harris nor Mr. William B. Bulloch ever gave opinion to this department, on the constitutionality of the act of last session of the legislature, for the removal of the Bank of Darien, nor was an opinion on that subject ever desired from either of them. Two papers, purporting to be copies of letters of those gentlemen to Anson Kimberly, President of the Bank of Darien, and among the papers in this office, are herewith transmitted to the senate, in consequence of their resolution of this morning. By whom, or for what purpose these copies of letters were placed in

this department, is not known to me, no order having been taken of them by my predecessor.

Signed,

JOHN FORSYTH.

Ordered, that the committee on Enrollment carry said acts to the Secretary of State's office, and see the Great Seal of the State affixed thereto.

Mr. Coffee, from the committee on Finance, to whom was referred the communication of the Governor of the 14<sup>th</sup> inst. in relation to the surplus fund appropriated by the legislature for the use of the commissioners of the Savannah river navigation between Augusta and Petersburg, reported the following resolution:

*Resolved*, That the excellency the governor be and he is hereby requested to draw a draft on the Branch of the State Bank at Washington, for the sum of four thousand five hundred and fifty-six dollars and forty-six cents, it being the unexpended balance deposited in that Bank by the commissioners of the Savannah river navigation between Augusta and Petersburg, and cause the same to be deposited in the treasury of this State,

Which was read and agreed to.

Mr. Coffee, from the committee on Finance, also reported a bill to reduce the auctioneer license in the town of St. Marys,

Which was read the first time.

Mr. Cargille had leave to report, instantler, a bill to provide for the holding of an extra session of the Superior court of Butts county,

Which was read the first time.

The senate adjourned until 7 o'clock this evening.

## Monday Evening, 7 o'clock.

The senate met pursuant to adjournment.

A message was received from the house of representatives by Mr. Dawson their clerk, informing the senate that the house of representatives were ready to receive them in the representative chamber, for the purpose of proceeding to the different elections set apart for this evening—

Whereupon, the President and members of senate repaired to the representative chamber, and being seated, both branches of the general assembly proceeded, by joint ballot, to the election of a Major General of the 8<sup>th</sup> division of Georgia Militia, when on counting out the votes, it appeared that Gen. Elias Beall was duly elected.

They then proceeded in like manner to the election of a Principal Keeper of the Penitentiary, when on counting out the votes, it appeared that Peter J. Williams, Esq. was duly elected.

They then proceeded in like manner to the election of three Inspectors of the Penitentiary, and on counting out the votes, it appeared that Edward Cary, John Bozeman and Thomas H. Kend were duly elected.

The President and members of senate returned to their chamber, and adjourned until to-morrow morning half past 9 o'clock.

*TUESDAY, 18th Dec., 1827.*

Mr. Crawford of Hancock moved to reconsider so much of the journal of yesterday as relates to the rejection of the bill to prescribe a permanent system of Internal Improvement,

And on agreeing thereto, the yeas and nays being required, it was determined in the affirmative. The yeas are 42—the nays are 21.

Those in the affirmative are Messrs.

Allen	Hendrick	Munroe
Beall	Hicks	Phillips
Blair of Lowndes	Holloway	Porter
Campbell	Hoxey	Powell
Clayton of Clark	Janes	Ryalls
Clayton of Pulaski	Jordan	Scarboro
Coffee	Leonard	Scarlet
Gosby	Luckie	Sledge
Crawford of Columbia	Maxwell	Tennille
Crawford of Hancock	McDougald	Thomas
Davies	McTyre	Tillman
Ezzard	Miller	Williams
Gamble	Moncrief	Wimberly
Harris	Moore	Worthy
Hawthorn		

Those in the negative, are Messrs.

Alexander	Cochran	Sellers
Anderson	Denmark	Spann
Blackstone	Dunagen	Swain
Blair of Habersham	Fulwood	Walthour
Brown of Monroe	Groves	Wilson
Burton	Martin	Wooten
Cargile	Ray	

On motion of mr. Blair of Habersham,

The senate reconsidered so much of the journal of yesterday as relates to the ordering of the bill for the relief of certain drawers in the recent land lottery to lie on the table the remainder of the session.

On motion of mr. Gamble,

The senate reconsidered so much of their journal as relates to the rejection of the bill authorising a lottery for the benefit of the poor of Burke county.

On motion of mr. Blair of Habersham, it was

*Resolved*, For the expedition of the business of the senate, that the Secretary be authorised to employ assistants, to aid him in bringing

ing up his journal, enrolling bills and resolutions, and preparing his business for the adjournment of the general assembly.

Mr. Crawford of Hancock laid on the table the following resolutions :

*Resolved*, That his excellency the governor, for the time being, be and he is hereby authorised and required to appoint an Inspector of the arsenals, magazines, arms and armaments of the State, whose duty it shall be to make to his excellency monthly reports of the state and condition of all the military property of the State, wherever found.

*And be it further resolved*, That for delinquency of duty in said Inspector, or any military store-keeper or other agent employed for the preservation and management of said military property, the governor shall remove from office said delinquent, and appoint another.

*And be it further resolved*, That if it should seem to the governor expedient, he shall order all the ordnance and small arms of the State to be collected and placed in charge of the armorer or military store-keeper at Milledgeville, and that all expenses of transportation, pay of agents, &c. incident to the execution of these resolves, shall be paid out of the general contingent fund.

The senate took up the order of the day, relative to the governor's disapproval of a resolution originating in this branch of the general assembly, upon the proposition of the Bank of Darien, for the gradual redemption of her bills ; and on agreeing to the original report of the 21st of November last, and disapproved by the governor on the 1st of December, 1827,

The yeas and nays being required, and there being a constitutional majority in its favor, it was determined in the affirmative.

The yeas are 52, the nays are 17.

Those in the affirmative are, messrs.

Alexander	Denmark	Powell
Allen	Dunagen	Remson
Anderson	Ezzard	Scarboro
Baber	Fulwood	Scarlet
Beall	Gilder	Sellers
Blackstone	Groves	Sledge
Blair of Habersham	Harris	Smith
Blair of Lowndes	Hawthorn	Spanz
Brown of Camden	Hendrick	Swain
Burton	Hicks	Tennille
Campbell	Leonard	Thomas
Cargille	Martin	Tillman
Clayton of Clark	Maxwell	Walthour
Clayton of Pulaski	McDougald	Wilson
Cochran	Moore	Wimberly
Coffee	Munroe	Wooten
Cosby	Porter	Worthy
Davies		

Those in the negative are Messrs

Brown of Monroe      Crawford of Columbia      Crawford of Hancock

Darble  
Holloway  
Hoxey  
Jones  
Jordan

Lawson  
Luckie  
McTyre  
Miller  
Moncrief

Phillips  
Ray  
Ryalls  
Williams

On motion of Mr. Clayton of Clark,

The reports of the several joint committees were made the special order of to-morrow.

Mr. Anderson laid on the table the following resolution :

Whereas, it is the wish of a large majority of the people of this State, that General Andrew Jackson should be the next President in preference to any other person ; and whereas, it appears that some efforts are made to start a third candidate for the Presidency ;

*Be it therefore resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That all attempts to get up a third candidate, will be viewed by them with disapprobation, and as evidencing a disposition again to defeat the wishes of the people, by throwing the election into the house of representatives.*

*And be it further resolved, That we will advance, by all honorable means, the election of General Jackson, and think of no other person, as long as he shall be blessed with his usual bodily and mental energies.*

Mr. Scarlett, from the committee on Enrollment reported as duly enrolled and signed by the Speaker of the house of representatives, the following acts :

An act to incorporate Amsden Academy on Williams' creek in the county of Warren, and to appoint trustees for the same.

An act to incorporate the Savings Bank of Augusta.

An act to amend the several acts relative to the establishment and regulation of election districts in the county of Gwinnett.

An act to establish an additional election district in the county of Wilkes.

An act for the relief of the securities of William P. Reed, one of the district surveyors of the late acquired territory.

An act to amend an act entitled an act to appoint trustees for the poor school in Tattnall county, and to vest the funds of Tattnall county Academy in the same.

An act to authorise the courts of ordinary in the different counties of this State to grant and issue letters of guardianship upon the persons and property of illegitimate children.

An act to authorise the Justices of the Inferior court of Oglethorpe county to levy an extra tax to put and keep the public roads in said county in good order.

An act to amend the second section of an act, to alter and amend an act, passed the twenty third day of December, eighteen hundred and twenty two, to distribute the Bank dividend, and other proceeds of the poor school fund amongst the different counties in this State, so far as respects the county of Jones.

An act to authorise the Sheriff and coroner of Hancock county,

and their successors in office, to publish their sales of property levied on under execution in a newspaper published at Mount Zion in said county, entitled the Hancock Advertiser.

An act to incorporate the Baptist Church at Shiloh in Greene county.

An act to change the time of holding the Inferior court of Decatur county so far as relates to the January term of said court.

An act to change the name of John Wesley McGhough, to that of John Wesley Searcy, and to entitle him to a distributive share of Benjamin R. Searcy's estate.

Which were presented to, and signed by the President of Senate.

Ordered, that the committee on Enrollment carry said acts to his excellency the governor for his approval.

The senate took up the reconsidered bill to add a part of the county of Lee to the county of Baker.

The bill was read the third time, and on the passage of the bill, the yeas and nays being required, it was determined in the affirmative. The yeas are 37, the nays are 24.

Those in the affirmative are, Messrs.

Alexander	Davies	McDougald
Allen	Dunagen	Miller
Anderson	Fulwood	Moore
Beall	Gilder	Phillips
Blackstone	Groves	Porter
Blair of Habersham	Harris	Sellers
Blair of Lowndes	Hawthorn	Sledge
Brown of Monroe	Holloway	Smith
Campbell	Janes	Swain
Cargille	Jordan	Tennille
Clayton of Clark	Luckie	Thomas
Coffee	Martin	Williams
Crawford of Columbia		

Those in the negative are, Messrs.

Baber	Hoxey	Ray
Brown of Camden	Lawson	Ryalls
Clayton of Pulaski	Leonard	Scarboro
Oosby	Maxwell	Spann
Crawford of Hancock	McTyre	Walthour
Ezzard	Moncrief	Wimberly
Gamble	Munroe	Wooten
Hendrick	Powell	Worthy

The following bills of senate were read the second time and ordered for a committee of the whole :

A bill to provide for the holding of an extra session of the Superior court of the county of Bolts.

A bill to reduce the auctioneers' license in the town of St. Marys—and

A bill to amend an act entitled an act to incorporate the Bank of Darien, passed the 15th December, 1818, and for the removal of the same.

The following bills of the house of representatives were read the second time and ordered for a third reading;

A bill to authorise the trustees of the Clinton Academy in the county of Jones, to raise by lottery the sum of five thousand dollars, for the benefit of said academy.

A bill to authorise Mordecai Shackelford to build and keep up a mill dam across the Alcofauhatchy river on certain conditions.

A bill to incorporate the Lafayette Hall Academy in the county of Greene.

A bill to authorise the trustees of the Meson academy in the county of Oglethorpe, to sell and convey the real estate devised to said institution by Francis Meson, dec'd.

A bill to appoint two additional trustees of the poor school fund of the county of Ware, to establish school districts, and to apportion the poor school fund among said districts.

A bill for the relief of renters of public property in the counties of Lee, Muscogee, Troup, Coweta and Carroll, and the reserve at the old Agency on Flint river, and renters of public property on the reserve at Macon in the county of Bibb.

A bill to sell and dispose of lots Nos. 10 and 100 in the several districts in the counties of Appling and Ware, reserved by the land lottery act of 1818, for the education of poor children.

The following bills of the house of representatives were read the second time and ordered for a committee of the whole :

A bill to give to informers under the laws of this State disposing of the late acquired territory, who may take out the grants for lands drawn, in consequence of fraudulent returns, the preference, where there may be several sci. fas. filed in any of the courts of this State against the same defendant or defendants.

A bill to authorise, upon certain conditions, certain persons to plead and practice law in the different courts of law and equity in this State, and to make a part of them liable in law for their contracts after a particular time, and also to authorise Joel Terrell to practice medicine, and for other purposes.

A bill more effectually to enforce the provisions of the statute of 1826, so far as the same regards the arrival of persons of color in the several ports and waters of this State.

A bill to raise a tax for the support of Government, for the year 1828.

A bill to give a more effectual and speedy relief to bona fide purchasers of property which is incumbered with judgments and mortgages previous to its transfer.

A bill to organize the counties of Meriwether, Troup, Harris, Talbot, Marion and Muscogee.

A bill to incorporate the Social Circle Academy in the county of Walton.

A bill to amend an act to admit certain deeds to record, &c. and authorise the same or copies thereof to be made evidence, and also the copies of other deeds.

The reconsidered bill of the house of representatives for the re-



relief of certain fortunate drawers in the recent land lottery, was amended by unanimous consent, read the third time and passed.

The following message was received from the house of representatives by Mr. Dawson their clerk:

*Mr. President—*

The house of Representatives have passed the following bills, to wit:—

The bill to amend and alter the 8th section of the Judiciary act of 1793, so far as regards the service of process by Sheriffs.

The bill to alter and fix the time of holding the Superior courts of the county of Gwinnett.

The bill to amend the several acts regulating Sheriffs' claims in this State.

The bill to authorise the city council of Augusta to appoint vendue masters for said city, to prescribe their duties and regulate the form and amount of their bonds, and for other purposes.

The bill to give to masons and carpenters in Richmond and Chatham counties an incumbrance for debts due on account of work done and materials furnished in building and repairing houses, on such houses and the premises to which they may be attached.

The bill authorising the Justices of the Inferior court of the county of Burke to appoint the clerk of the land court of said county.

The bill to regulate ferriages on the Chatahoochee.

The bill to alter and amend the patrol laws, so far as respects the counties of Laurens, Camden and Polaski.

The bill for the relief of Eliza T. Baxter.

The bill to regulate the poor school fund for the county of Hancock.

The bill to alter and amend an act regulating Indian testimony.

The bill to vest in Felix Lewis and wife all the estate, real and personal, of John W. H. Hobson, dec'd.

The bill regulating the proceedings on bonds taken for the security of the peace, and for other purposes.

The bill to amend the road laws of Glynn county.

The bill to regulate the mode of proceeding in contested elections—and

The bill to alter and amend the 7th section of the 1st article of the constitution of the State of Georgia, so as to reduce the representation.

The senate adjourned until 3 o'clock this evening.

3 o'clock P. M. 18th Dec. 1827.

The message of this morning from the house of representatives was taken up, and the bills therein contained were read the first time.

The bill to amend and consolidate the several acts which have been passed in relation to the powers and privileges of the corpora-

tion of the city of Savannah, and to extend the jurisdictional limits of the same for the purposes herein mentioned,

Was read the second time and ordered for committee of the whole.

The following bills were read the third time and passed :

The bill to alter and amend an act entitled an act to alter and amend the 12th section of an act to protect the estates of orphans, and to make permanent provision for the poor, passed the 16th Dec. 1811.

The bill to divorce Zebulon and Eliza Rudolph was read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the negative, there not being a constitutional majority in its favor. The yeas are 37, the nays are 24.

Those in the affirmative, are Messrs.

Alexander	Groves	Sledge
Beall	Harris	Smith
Brown of Camden	Hendrick	Spann
Brown of Monroe	Holloway	Swain
Burton	Janes	Tennille
Campbell	Moore	Thomas
Clayton of Clark	Munroe	Walthour
Coffee	Powell	Williams
Cosby	Ray	Wilson
Davies	Remson	Wimberly
Dunagen	Ryalls	Wooten
Ezzard	Scarboro	Worthy
Gilder	Scarlet	

Those in the negative are, messrs.

Allen	Fulwood	Maxwell
Anderson	Gamble	McDougald
Blackstone	Hawthorn	McTyre
Blair of Habersham	Hoxey	Miller
Blair of Lowndes	Jordan	Moncrief
Cochran	Leonard	Phillips
Crawford of Columbia	Luckie	Sellers
Denmark	Martin	Tillman

The bill to separate and divorce James and Mary Fountain, was read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the negative, there not being a constitutional majority in its favor. The yeas are 36, the nays 21.

Those in the affirmative are, Messrs.

Alexander	Clayton of Clark	Ezzard
Beall	Cochran	Gamble
Brown of Camden	Coffee	Gilder
Brown of Monroe	Cosby	Groves
Burton	Davies	Hendrick
Campbell	Dunagen	Holloway

Moncrief  
Moore  
Munroe  
Powell  
Ray  
Remson

Ryalls  
Sledge  
Smith  
Spann  
Swain  
Tennille

Thomas  
Tillman  
Wilson  
Wimberly  
Wooten

Those in the negative are, Messrs.

Allen	Harris
Anderson	Hawthorn
Blackstone	Hoxey
Blair of Habersham	Janes
Blair of Lowndes	Jordan
Crawford of Columbia	Leonard
Fulwood	Luckie

Martin  
McDougald  
McTyre  
Miller  
Phillips  
Williams  
Worthy

The bill to divorce and separate Matilda Bullard and James Bullard her husband, was read the third time,

And on the passage of the bill, the yeas and nays being required; it was determined in the negative.

The yeas are 25, the nays are 32.

Those in the affirmative are, Messrs.

Alexander	Gilder
Allen	Hendrick
Beall	Holloway
Brown of Camden	Hoxey
Canpbell	Moncrief
Clayton of Clark	Ray
Coffee	Remson
Gamble	Ryalls

Smith  
Spann  
Swain  
Tennille  
Thomas  
Wilson  
Wimberly  
Wooten

Those in the negative are, Messrs.

Anderson	Ezzard
Blackstone	Fulwood
Blair of Habersham	Groves
Blair of Lowndes	Harris
Brown of Monroe	Hawthorn
Barton	Janes
Cochran	Jordan
Crawford of Columbia	Leonard
Davies	Luckie
Denmark	Martin
Dunagen	Maxwell

McDougald  
McTyre  
Miller  
Moore  
Munroe  
Phillips  
Powell  
Sledge  
Tillman  
Williams  
Worthy

The bill to divorce and separate Hannah Irvin and Charles Irvin her husband, was read the third time,

And on the passage of the bill the yeas and nays being required; it was determined in the affirmative.

The yeas are 40--the nays are 13.

Those in the affirmative are Messrs.

Alexander

Allen

Beall

Brown of Camden  
Brown of Monroe  
Campbell  
Clayton of Clark  
Cochran  
Coffee  
Cosby  
Denmark  
Dunagen  
Ezzard  
Gamble  
Gilder  
Groves

Hendrick  
Holloway  
Hoxey  
Janes  
Leonard  
Maxwell  
McTyre  
Moncrief  
Moore  
Munroe  
Powell  
Ray  
Ramson

Ryalls  
Sledge  
Smith  
Spann  
Swain  
Tennille  
Thomas  
Williams  
Wilson  
Wimberly  
Wooten  
Worthy

Those in the negative are Messrs.

Anderson  
Blackstone  
Blair of Lowndes  
Crawford of Columbia  
Fulwood

Harris  
Hawthorn  
Jordan  
Luckie  
Martin  
McDougald  
Phillips  
Tillman

The bill to separate and divorce Nancy Wright and William R. Wright her husband was read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the affirmative.

The yeas are 43—the nays are 14.

Those in the affirmative are Messrs.,

Alexander  
Allen  
Beall  
Brown of Camden  
Brown of Monroe  
Burton  
Clayton of Clark  
Cosby  
Davies  
Denmark  
Dunagen  
Ezzard  
Gamble  
Gilder  
Groves

Hawthorn  
Hendrick  
Hicks  
Holloway  
Hoxey  
Janes  
Lawson  
Leonard  
Luckie  
Maxwell  
McTyre  
Moncrief  
Moore  
Munroe

Powell  
Ray  
Ryalls  
Sledge  
Smith  
Spann  
Swain  
Tennille  
Thomas  
Walthour  
Williams  
Wilson  
Wimberly  
Wooten

Those in the negative are Messrs.

Anderson  
Blair of Habersham  
Blair of Lowndes  
Campbell  
Crawford of Columbia

Fulwood  
Harris  
Jordan  
Martin  
McDougald  
Miller  
Phillips  
Sellers  
Tillman

The following message was received from the Governor by Mr. Shaaffe his secretary :

**Mr. President—**

His Excellency the Governor has assented to and signed the following Acts, to wit—

An act to regulate the trading of merchants, shopkeepers, and others, so far as regards the county of Glynn, and to punish those who may attempt to defeat the same.

An act to legalize and make valid a certain grant of land heretofore issued to Robert A. Beall.

An act to regulate the rates of toll at the ferries and bridges on Towaliga river in Butts and Monroe counties.

An act to alter and amend the first section of an act, passed 24th December, 1825, to regulate the general elections in this State, so far as respects the county of Burke.

An act for the relief of the citizens of Tattnall county.

Ordered, that the committee on Enrollment do carry said acts to the Secretary of State's office, and see affixed thereto the Great Seal of this State.

Mr. Baber reported, instanter, a bill to declare the validity of contracts made by the corporation of the town of Macon,

Which was read the first time.

On motion of Mr. Martin,

Whereas, by a resolution passed the 22d December last, requiring the trustees of the academy and poor school funds to make a detailed and full return of the manner in which said funds so drawn have been disbursed; and whereas, the commissioners of Jackson county have failed to make such return as required by law; and whereas, a law has passed both branches of the general assembly, appointing new commissioners in said county, whose duties will commence after the second Monday in January next,

*Resolved*, That the Governor be and he is hereby authorized to issue his warrant in behalf of such new commissioners, for the dividends to which said academy and poor school commissioners may be entitled, for the county of Jackson.

Mr. Hoxey laid on the table the following resolutions:

Whereas, there is now due and owing to the State a considerable amount of money, for articles sold at the Penitentiary, which ought to be collected,

*Be it therefore resolved*, That it shall be the duty of the Principal Keeper and Inspectors of said institution to have collected without delay all debts due to the State for articles sold at the Penitentiary, either on notes or open accounts, which were due prior to the 1st day of January, 1827.

*And be it further resolved*, That said Principal Keeper and Inspectors are hereby authorized to employ such persons to collect said debts, and make report to the next Legislature of the persons by them employed in said collections, and also the services which may be rendered by said persons so employed, who shall receive such compensation as the next legislature may determine.

*And be it further resolved*, That it shall be the duty of the Principal Keeper and Inspectors of said institution, to make report to the

next legislature, and annually thereafter, the situation of all the debtors in the Penitentiary, with as much precision as possible.

The Senate adjourned until to-morrow morning, half past nine o'clock.

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*WEDNESDAY, 19th Dec., 1827.*

On motion of Mr. Brown of Camden,

The Senate reconsidered so much of their journal of yesterday, as relates to the rejection of the bill to separate and divorce Zebulon and Eliza Rudolph.

On motion of Mr. Davies, the Senate reconsidered so much of their journal of yesterday, as relates to the rejection of a bill, to separate and divorce James Fountain and Mary Fountain his wife.

On motion of Mr. Hendrick, the Senate reconsidered so much of their journal of yesterday, as relates to the rejection of the bill to separate and divorce Matilda Bullard and James Bullard her husband.

The Senate took up the report of the joint committee upon the state of the Republic, to whom was referred so much of the Governor's communication, as regards the acquisition of the Georgia lands at present in the occupancy of the Cherokee Indians, and the absolute and jurisdictional right of the State to the same, which was amended to read as follows, and agreed to.

The joint committee upon the state of the Republic, to whom was referred so much of the late Governor's communication, as regards the acquisition of the Georgia lands, at present in the occupancy of the Cherokee Indians, and the absolute and jurisdictional right of the State to the same—Report,

That they have bestowed upon this momentous subject, the most mature and deliberate consideration; and although some of the positions which they feel warranted in occupying, may at the first view, appear bold and novel, yet they cherish the hope, that by adhering to the well ascertained, and long established laws of nations, those positions will be found abundantly supported.

We are aware that our repeated appeals to the General Government upon this subject, so vitally interesting to the people of Georgia, have been looked upon as impertinent and obtrusive; but your committee believe, that the State has been disposed to suffer in silence, so long as the evils under which she labored were sufferable, and that when her claims shall be fairly investigated, and it is seen how unreasonably they have delayed, an enlightened and just community will pronounce the course she has pursued, to have been marked with great moderation and forbearance.

We propose in the discharge of our present duty, to enquire *first*, into the nature and present situation of our claim upon the General Government; and *second*, to investigate the nature and extent of our title to the territory in question, considered abstractedly from our claim upon the General Government.

By the 4th section of the articles of agreement and cession, entered into on the 24th of April, 1802, between the commissioners of the United States on the one part, and the commissioners of the State of Georgia on the other part, it was expressly stipulated and agreed, that the United States should at their own expense, extinguish for the use of Georgia, *as early as the same could be peaceably obtained on reasonable terms*, the Indian title to all the lands within the State of Georgia.

It will hardly be contended, that this was a mere *naked promise*, and therefore to be violated at pleasure by the United States, for the contract imports upon its face a most ample and sufficient consideration.

We are not ignorant of the fact, that the General Government having the power in her own hands, is disposed to put her own construction upon this promise, and to make herself the sole and exclusive judge of what may be considered "reasonable terms;" but we respectfully contend, that if she designs to keep up *even the show* of justice, she will suffer this to be controlled by the same rule of construction applicable to all other contracts—that is to say, that the words used, shall be understood in that sense which is best calculated to effectuate the true intention of the contracting parties.

The reciprocal objects intended to be accomplished by the United States and Georgia, by the contract in question, were few and simple. They intended that Georgia should cede to the United States a vast extent of territory therein described—that the United States should at their own expense, and upon their own responsibility, extinguish for the use of Georgia whatever claim or title the Indians might have to the lands lying within her limits; and that this should be done "*as early*" as it could be upon peaceable and reasonable terms.

We consider it certain from the terms of the contract itself, and particularly from the consideration which was paid, that it was the intention of both parties that the Indian title should *certainly*, at some time or other be extinguished. The *time* was left indefinite and uncertain—not because it was contemplated that any circumstance should occur, or state of things exist, that should deprive Georgia of those lands; but, because this State reposed such unbounded confidence in the justice and good faith of the General Government, as induced her confidently to believe, that no opportunity would be permitted to escape, and that no fair and honorable exertion would be withheld for the speedy and punctual fulfilment of the promise.

We admit that after much anxiety and delay, Georgia is about to reap the full benefit of the contract in question, so far as it regards her lands situated within the Creek Nation of Indians. But the manner in which this has been accomplished, compels us to say, that we are less indebted to the General Government for the result, than to the exertions of our late, able and patriotic Governor. Although Georgia is about to obtain the last foot of *Creek* lands to which she is entitled, yet it must be remembered that there is still a considerable portion of Cherokee lands to which she has precisely the same title, in relation to which the general government is un-

der the same obligation; and which nevertheless still remains in the possession of the Indians. By what motive or reason the general government can be influenced, in so pertinaciously and unjustly refusing *entirely* to redeem her pledged faith to Georgia, we are unable to perceive. The whole civilized world knows, that Georgia acted a gallant and distinguished part during the revolutionary war, in achieving our liberty and independence; and our sister States will do us the justice to testify, that since that time, Georgia has not withheld her treasure or her sword from the defence of our common country, and national rights. We mention these things, not by way of boasting, or out of vain glory; but, to shew that Georgia has violated none of the obligations by which she was bound to her sister States, and therefore, that there is the less justice in their violating their obligations to her.

It will be remembered, that the articles of agreement and cession were entered into in 1802, and that they imposed upon the United States the obligation of procuring the relinquishment of the Indian title, so soon as the same could be done "peaceably" and upon "reasonable terms." Immediately upon the ratification of these articles, it became the duty of the general government to improve every opportunity that might present itself, and with all her influence, and energies faithfully applied, to have *sought* diligently for, opportunities to effect such relinquishment. She did not do so.—But on the contrary, manifested so much indifference, and for so long a time, that Georgia became dissatisfied, and took occasion respectfully to call the attention of the general government to this subject—a liberty that she has several times since found it necessary to exercise—but which has either been treated with silent contempt, or has subjected her to reproach and calumny. That the United States have violated most palpably their contract with Georgia, we think is made evident, when it is remembered, that, since the ratification of the articles of agreement and cession, the Indians have been removed entirely from Ohio, Kentucky, North and South Carolina, Tennessee, Missouri, and almost all Arkansas; and that since that time, five or six times as much land as belonged to Georgia, and was in the possession of the Indians, has been acquired in Alabama for the use of the United States, and that too, upon "peaceable and reasonable terms;" besides large cessions in Mississippi, Illinois, Michigan, and Florida. And it is a fact so notorious, that we presume no one will venture to dispute it, that upon the termination of the late war with Great Britain and the Indians, the United States had it completely in their power to procure for the use of Georgia the principal part of the lands to which she was entitled—not only upon "peaceable and reasonable terms," but upon just such terms as they might have pleased to prescribe. But this was not done, or attempted to be done.—On the contrary, the United States by negotiation, effected for their own use and aggrandisement, large cessions of territory in another part of the nation, and thereby threw the Indians in greater numbers upon our own territory, and so circumscribed their limits, as greatly to diminish the prospect of their willingness to make further cessions, either for the benefit of Georgia, or for any other part



posé. And since that time, it has been the constant and favorite policy of the United States, not to hold out inducements to the Indians to yield up the possession of the Georgia lands ; but to so add to their comforts, and so instruct them in the business of husbandry as to attach them so firmly to their country and to their homes, as almost to destroy the last ray of hope that they would ever consent to part with the Georgia lands. It is now alledged, we understand, that it is impossible for the United States to obtain the lands in question for the use of Georgia, upon " peaceable and reasonable terms ;" and therefore, that they are under no obligation to obtain them at all. By whom and in what way we beg leave to enquire, has this impossibility been produced ? Surely by the United States, and by their policy, and that too against the consent and remonstrance of Georgia. And is it possible, that the general government will consent in this way to benefit herself, and to take advantage of her own acts, and that too to the injury and oppression of one of her own members ? For the dignity and honor of our common country, we earnestly hope not. But although the general government is under this obligation, and from which she cannot honorably release herself in any other way than by complying with it, yet judging from our past experience, we can scarcely venture to hope, that she will redress our injuries and establish our rights. We are apprised that this subject engaged the attention of the last Legislature, that the resolutions which they adopted were submitted to the President of the United States ; and we are glad that in reply, he condescended to express to our Senators in Congress a "*wish to gratify the State,*" but we are sorry that he added "*negotiation*" (with the Indians) "*was hopeless, and that he could not consent to apply force.*" We are at liberty to understand this answer no otherwise, than as a distinct and formal determination, to take no step to obtain for and secure to Georgia, her long delayed rights. We have waited upon and trusted to the justice and liberality of the United States for upwards of the fourth of a century, and the result to us is disappointment, insult and injury.

From this gloomy and almost hopeless prospect, we turn our attention to the second branch of our enquiry, and trust that we shall be able to establish in the State of Georgia, a good, legal, and perfect title to the lands in question, and that we have the right, by any means in our power, to possess ourselves of them.

In the examination of this important and interesting question, we are necessarily carried back to the earliest history of this country. When the continent of America was first discovered, it was possessed and owned by various wandering tribes of savages ; and the discoverers asserted successfully the right of occupying such parts as each discovered, and thereby they established their supreme command over it, asserting their claim both to *domain* and to *empire*. By *domain* we mean that, by " virtue of which a nation may use the country for the supply of its necessities ; may dispose of it as it thinks proper, and derive from it any advantage it is capable of yielding." And by "*empire*" we mean the " right of sovereign command, by which the nation directs and regulates at its pleasure every thing that passes in the country." Precisely in this way

and in no other, did Spain, France, England, Holland and Portugal obtain sovereignty over the portions of this country discovered by each. It may be contended with much plausibility, that there is in these claims more of force than of justice; but they are claims which have been recognised and admitted by the whole civilised world, and it is unquestionably true, that under such circumstances force becomes right. This kind of title is not only good and valid agreeable to the laws of nations, but is perfectly consistent with natural justice. The earth was certainly made for the benefit, comfort and subsistence of man, and should be so used as to accommodate the greatest possible number of human beings. It was therefore perfectly in accordance with the design of nature, that the densely populated countries of Europe, which were used only as hunting grounds, and employ them in promoting the comforts and providing for the subsistence of their overflowing population. Acting, no doubt upon these principles, Great Britain occupied and colonised the province of Georgia, the limits of which anterior to the revolutionary war, were defined, and made to extend from the Atlantic coast to the Mississippi, and from the 31st to the 35th degrees of north latitude. The whole of this territory was made to form a provincial government, thus exercising the highest and most unequivocal act of sovereignty. In this exercise, both of *domain* and *empire*, on the part of Great Britain, certain portions of territory were reserved for the use of the Indians, and the Indians themselves were declared to be under the "protection" of Great Britain; and the lands reserved were also under the "sovereignty, protection and dominion" of that government. Thus it is seen, that the sovereignty of Great Britain over the whole of Georgia was complete and perfect; that the absolute right to the soil was in her; that the Indians were under her protection; and that their possession was only permissive. Things remained in this condition until the revolutionary war; upon the termination of which, by the treaty of peace between the United States and the mother country, the sovereignty to the full extent as claimed, owned and exercised by Great Britain over all the lands and Indians within the State of Georgia, passed to and vested in the people of this State. We have shewn we trust, very clearly, that at the end of the revolutionary war, Georgia possessed, and had a right to exercise absolute control and sovereignty over the whole of the territory lying within her then limits; that her claim to *domain* and *empire* was not disputed; that the absolute title to the soil was in her; that the Indians were under her protection; and that their possession was by her permission, as it had previously been by that of Great Britain. Thus far, we apprehend the premises that we have established, and the conclusions that we have drawn, will not be disputed; for if they are wrong, the very argument that proves them to be so, must defeat the title by which every foot of land in the United States is held, for they all derive title in the same way.

It now remains for us to shew, that since the revolutionary war, Georgia has done no act, and entered into no compact with her sister States, by which she has divested herself of any portion of her

sovereignty, affecting her rights now in question. And this proposition will be supported, if we can shew that no such consequence can result from the articles of confederation, the federal constitution, or the articles of agreement and cession of 1802.

To shew that the articles of confederation have divested Georgia of no portion of her sovereignty, it does not appear to us necessary to take any other ground than the very obvious one, that these articles have been abrogated by the Federal Constitution, which was adopted in its place and stead. But we contend, that even prior to the adoption of that Constitution, they contained no provision when properly construed, affecting the right in question. In the articles of Confederation we find this provision: "Each State retains its sovereignty, freedom and independence; and every power, jurisdiction and right" which is not by the "confederation expressly delegated to the United States," is reserved to the people of the States. We may search in vain in the articles of confederation, for any express delegation of the right of sovereignty or jurisdiction by Georgia to the United States over the territory in controversy. No such express delegation was ever made—the consequence is obvious; it is reserved to the people of the State. Those who differ with us in opinion, may attempt to sustain themselves by one further provision in the articles of confederation—We allude to the power given the United States of regulating "trade," and managing all affairs with the Indians, not members of any particular State; but by express provision this power is in no instance to be exercised so as to "infringe or violate the legislative right of any State within its own limits." We are by no means satisfied, but that the Indians resident within the limits of Georgia, may fairly be considered "members" of the State; if so, the United States possess not the right to interfere with them even so far as to regulate "trade;" but whether they be members of the State or not, the United States are expressly prohibited from interfering with them in any way so as to "infringe or violate the legislative right of the State within her own limits." We think, therefore, that the articles of confederation have not affected our title in the least.

We next proceed to the enquiry, whether the State's title to, and right of sovereignty over the lands in controversy, have been affected by the Federal Constitution; and if affected, to what extent?—We are not disposed to afford even the feeble aid of our example for frittering away the Constitution by construction; we prefer to take that instrument as it is, and not to take from, or add to its provisions. We have always believed, and yet do, that all powers not expressly granted by that Constitution, or plainly implied in, and necessary and proper to the execution of the expressly granted powers, are reserved to the States; and we earnestly insist upon this rule of construction, so far as that instrument applies to the subject under consideration.

In the third section of the fourth article of the Constitution, we find this provision: "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this

Institution shall be so construed, as to prejudice any claims of the United States or of any particular State." We are unable to see what argument can be fairly drawn from this provision, to shew that Georgia has surrendered up to the United States any portion of her rights so as to affect the present question. This provision only gives to the United States the power to control and dispose of the territory or property of the *General Government*; but it vests them with no power whatever to control or dispose of the territory or property of *any State*; on the contrary it is expressly stipulated, that in the exercise of this power, the claims of no particular State shall be prejudiced. It will not be contended we apprehend, that since the articles of agreement and cession of 1802, the United States have the smallest shadow of a title, to the lands in controversy; and if it were considered necessary, we could easily shew that even *before* that time, they had no well founded title. There is therefore, nothing in this part of the Constitution *expressly* or *plainly implied* divesting Georgia of the right of sovereignty in question, and from the very fact, that no such right was surrendered up into the hands of the United States, we are warranted in asserting that the right was *retained* by the State.

We understand that the power which the Constitution confers upon the President, by and with the advice and consent of the Senate to make *treaties*, is claimed to have an influence upon the present question; but we are unable to discover any necessary connection between this provision in the Constitution, and the question under consideration. This part of the Constitution, we have always understood, applied to *foreign affairs* only. We are apprised however, that the United States have treated with various tribes of Indians at different times, and that these treaties have been submitted to the Senate for ratification; but if we mistake not, since the adoption of the Constitution, Virginia, Ohio, New-York, and Kentucky have exercised the right of treating with the Indians residing within their limits; and their right to do so, has as far as we know or believe, been disputed. But upon this point we feel no sort of solicitude, for it is sufficient for our purpose, that in the Constitutional provision now under review, there is no *express* or *plainly implied* surrender on the part of Georgia of her right of sovereignty to the territory in question.

If there is any other provision in the Federal Constitution affecting this question, we are not apprised of it. And we consequently arrive at the conclusion, that the rights and powers of Georgia and to the lands in question, remain precisely where they stood immediately upon the conclusion of the revolutionary war, with the exception, that Georgia has in common with all the other States, given up to the General Government a portion of her right of empire; but she has surrendered that right no farther in relation to the territory in dispute, than she has in relation to all the rest of her territory. In aid of our opinion upon the question of title, we beg leave to refer to the decision made by the Supreme Court of the United States in the famous case of *Flitcher and Peck*, which establishes the principle that the Legislature of Georgia, when restrained by its *own Constitution*, possesses the power of disposing of the unappropriated lands within her own limits, in

such manner as her own judgment may dictate." And the same case establishes the further principle, that "the Indian title is only permissive and temporary, and not at all inconsistent with a seisin in fee on the part of Georgia." We need only add, that this decision was made long subsequent to the adoption of the Federal Constitution.

By the articles of agreement and cession of 1802, Georgia parted with and gave up all her claims and rights, both of *domain* and *empire*, to the territory thereby *ceded* to the United States; but these articles contain no *formal* and *express* surrender of any such right to the territory *reserved*. We are aware that such surrender is claimed to be implied from the term "Indian title" as there used. But when the subject is properly understood, we contend that this conclusion does not necessarily result from the premises. This term was not intended, and cannot be understood as building up and vesting in the Indians, any kind of *title* to the lands in controversy; nor was it intended to add to, or detract from the title which they already had. It was only used as a term descriptive of that title. We have already seen what that title was; that it was a mere possessory one; and that they had so little interest in the soil, that their possession was not inconsistent with a seisin in fee on the part of Georgia. But it is contended, that by the articles of agreement and cession, a consideration was contemplated to be paid by the United States to the Indians, for their relinquishment of this title; and therefore that it was of such a character as was entitled to respect, and as could not be taken from them unless by their consent. We are of a different opinion. We have already seen the fragile tenure by which they held, and do yet hold those lands; but however slender it may have been, yet *some* act was necessary to be done by the United States or Georgia, in order to oust them of possession. This act must necessarily have been of either a warlike or pacific character. If of a warlike character, no consideration of a pecuniary nature could be necessary; but if of a pacific character, then the object was to be accomplished by negotiation, and a consideration would necessarily be the result. Whenever it has been necessary to accomplish a similar act with the Cherokees, or any other nation of Indians, by either of the means just mentioned, from obvious motives of policy, as well as humanity, the United States have preferred resorting to negotiation and presents. In all such instances, the United States were by means *bound* to resort to such measures; they did so from *choice*. This custom was well known to the contracting parties to the articles of agreement and cession at the time it was entered into, and the relinquishment of the Indian title was intended to be effected in the same way, and the provision in question was simply intended to make the United States sustain all the expense of negotiation, presents, and consideration, which otherwise would have fallen upon Georgia, had she proceeded to the accomplishment of the same object by pacific means. But there is nothing in this provision which prevents the United States or Georgia from resorting to *force*; on the contrary, this right seems to be admitted, although the United States would not *bind* themselves to use it. At

events it is evident, that if Georgia possessed this right before entering into those articles, she possesses it yet, for a surrender of it is no where to be found. Before Georgia became a party to the articles of agreement and cession, she could rightfully have possessed herself of those lands, either by negotiation with the Indians or by force, and she had determined in one of the two ways to do so—but by this contract she made it the duty of the United States to sustain the expense of obtaining for her the possession, provided it could be done upon reasonable terms and by negotiation—but in case it should become necessary to resort to force, this contract with the United States makes no provision: the consequence is, that Georgia is left untrammelled and at full liberty to prosecute her rights in that point of view, according to her own discretion, and as though no such contract had been made. Your committee, therefore, arrive at this conclusion: That anterior to the revolutionary war, the lands in question belonged to Great Britain—that the right of sovereignty, both as to domain and empire, was complete and perfect in her—that the possession by the Indians was permissive—that they were under the protection of that Government—that their title was temporary—that they were mere tenants at will—and that such tenancy might have been determined at any moment, either by negotiation or force, at the pleasure of Great Britain. That upon the termination of the revolutionary war, and by the treaty of peace, Georgia assumed all the rights and powers in relation to the lands and Indians in question, which theretofore belonged to Great Britain.—That since that time, she has not divested herself of any right or power in relation to the lands now in question, further than she has in relation to all the balance of her territory, and that she is now at full liberty, and has the power and right to possess herself, by any means she may choose to employ, of the lands in dispute, and to extend over them her authority and laws.

Although your committee believe the absolute title to the lands is controversy is in Georgia, and that she may rightfully possess herself of them when and by what means she pleases, yet they would not recommend an exercise of that right till all other means fail.—We are aware that the Cherokee Indians talk extravagantly of their devotion to the land of their fathers, and of their attachment to their homes; and that they have gone very far toward convincing the General Government, that negotiation with them in view of procuring their relinquishment of title to the Georgia lands will be “hopeless”—Yet we do confidently believe, that they have been induced to assume this lofty bearing, by the protection and encouragement which has been afforded them by the United States; and that they will speak a totally different language if the General Government will change its policy toward them, and apprise them of the nature and extent of the Georgia title to those lands, and what will be the probable consequence of their remaining refractory.

Your committee would recommend that one other appeal be made to the General Government, with a view to open a negotiation with the Cherokee Indians upon this subject.—That the United States do

instruct their commissioners to submit this report to the said Indians, and that if no such negotiation is opened, or if it is, and it proves to be unsuccessful, that then the next legislature is recommended to take into consideration the propriety of using the most efficient measures for taking possession of, and extending our authority and laws over the whole of the lands in controversy. Your committee, in the true spirit of liberality, and for the alone purpose of avoiding any difficulty or misunderstanding with either the General Government or the Cherokee Indians, would recommend to the people of Georgia to accept any treaty which may be made between the United States and those Indians, securing to this State so much of the lands in question as may remain after making reserves for a term of years, for life, or even in fee simple, to the use of particular Indians, not to exceed in the aggregate one sixth part of the whole territory.—But if all this will not do; if the United States will not redeem her pledged honor; and if the Indians will continue to turn a deaf ear to the voice of reason and of friendship, we now solemnly warn them of the consequence. The lands in question *belong* to Georgia—she *must* and she *will* have them.

Influenced by the foregoing considerations, your committee beg leave to offer the following resolutions:

*Resolved*, That the United States, in failing to procure the lands in controversy “as early” as the same could be done upon “peaceable” and “reasonable terms,” have palpably violated their contract with Georgia, and are now bound, at all hazards, and without regard to terms, to procure said lands for the use of Georgia.

*Resolved*, That the policy which has been pursued by the United States toward the Cherokee Indians, has not been in good faith toward Georgia; and that as all the difficulties which now exist to an extinguishment of the Indian title, have resulted alone from the acts and policy of the United States, it would be unjust and dishonorable in them to take shelter behind those difficulties.

*Resolved*, That all the lands appropriated and unappropriated, which lie within the conventional limits of Georgia, belong to her absolutely—that the title is in her—that the Indians are tenants at her will, and that she may, at any time she pleases, determine that tenancy, by taking possession of the premises—And that Georgia has the right to extend her authority and laws over her whole territory, and to coerce obedience to them from all descriptions of people, be them white, red or black, who may reside within her limits.

*Resolved*, That Georgia entertains for the General Government so high a regard, and is so solicitous to do no act that can disturb, or tend to disturb the public tranquillity, that she will not attempt to enforce her rights by violence, until all other means of redress fail.

*Resolved*, That to avoid the catastrophe which none would more sincerely deplore than ourselves, we make this solemn appeal to the President of the United States, that he take such steps as are usual, and as he may deem expedient and proper, for the purpose of, and preparatory to, the holding of a treaty with the Cherokee Indians, the object of which shall be, the extinguishment of their title to all,

in any part of the lands now in their possession, within the limits of Georgia.

*Resolved*, That if such treaty be held, the President be respectfully requested to instruct the commissioners to lay a copy of this report before the Indians in convention, with such comments as may be considered just and proper, upon the nature and extent of the Georgia title to the lands in controversy, and the probable consequences which will result from a continued refusal upon the part of the Indians to part with those lands—And that the commissioners be also instructed to grant, if they find it absolutely necessary, reserves of land in favor of individual Indians or inhabitants of the nation, not to exceed one-sixth part of the territory to be acquired, the same to be subject to future purchase by the General Government, for the use of Georgia.

*Resolved*, That his excellency the Governor be requested to forward a copy of the foregoing Report and Resolutions to the President of the United States, and one to our Senators and Representatives in Congress, with a request that they use their best exertions to obtain the object therein expressed.

*Resolved*, That the late proceedings of the Cherokee Indians, in framing a constitution for their nation, and preparing to establish a government independent of Georgia, is inconsistent with the rights of said State, and therefore not recognized by this Government, and ought to be decidedly discountenanced by the General Government.

The senate took up the report of the committee on the state of the Republic, to whom was referred so much of the Governor's communication as relates to the powers of the General Government, claimed and exercised for the purposes of encouraging domestic manufactures, and effecting a system of internal improvement—and, on motion of Mr. Gamble, to strike out in said report the words "in all and every shape that can possibly," and insert in lieu thereof the words "by all legal and constitutional means, so as to,"

The question being divided, the yeas and nays were required upon striking out, and determined in the affirmative.

The yeas are 38—the nays are 27.

Those in the affirmative are Messrs.

Alexander	Davies	Powell
Anderson	Denmark	Ray
Beall	Dunagen	Scarlett
Blackstone	Fullwood	Sledge
Hair of Habersham	Gamble	Spang
Hair of Lowndes	Gulder	Swain
Horn of Camden	Harris	Tennille
Horn of Monroe	Halethorn	Tillman
Lampbell	Hendrick	Williams
Layton of Pulaski	Holloway	Wilson
Lochran	Martin	Wooten
Moore	Miller	Worthy
Moore	Moore	



Those in the negative are Messrs.

Allen	Jones	Munroe
Borison	Jordan	Phillips
Cargille	Lawson	Porter
Clayton of Clark	Leonard	Ransom
Crawford of Columbia	Luckie	Ryalla
Crawford of Hancock	Maxwell	Scarborough
Ezzard	McDongald	Smith
Groves	McTyre	Walthour
Hoxey	Moncrief	Wimberly

The amendment proposed being adopted, the Report was agreed to as amended, and is as follows :

The Committee on the State of the Republic, to whom was referred so much of the Governor's communication as relates to the powers of the General Government, claimed and exercised for the purposes of encouraging domestic manufactures, and effecting a system of internal improvement, beg leave to make the following REPORT :

The Committee are aware that it is assumed by the General Government, as expressed in the decisions of the Federal Court, that State Legislatures have no right to complain of its usurpations however formidable or fatal. That the General Government is said to be "truly and emphatically a government of the people," and therefore entirely out of the reach of representative bodies whose sole duty it is to keep within the sphere of their own delegated trust. It would seem that if even such a pretension were admissible, it should be considered no great breach of decorum, for a sovereign state through its highest known authority to approach a government it had contributed to establish, with a subject of complaint, especially when it is perceived that much inferior bodies are patiently listened to, and listened to with effect. While manufacturing companies and self-created delegates, pretending to represent whole States, assemble for the purpose of directing the Congress what measures they must adopt, surely the Legislature of a State without much violence to any known rule of modesty, may respectfully offer a counter remonstrance to such a growing temper of dictation. But it is not in this humble manner that your committee would recommend the Legislature to prefer their just complaints to the General Government. They claim it as a right to remonstrate with that Government on all measures which they may conceive violative of the fundamental principles of its institution. They affirm that those who create a delegated government have lawfully the power to restrain it within its proper bounds, and maintain the doctrine asserted by Luther Martin, in his address to the Legislature of Maryland, at the time of the adoption of the Federal Constitution, that "the proper constituents of the General Government are the States, and

the States are to that Government what the people are to the States, that this is entirely within the spirit and intention of the Federal Union."

In support of this, as well as other principles which will hereafter be presented in this report, the committee will frankly own they can offer nothing new to the Legislature, for it is a subject that has been so much discussed, all must be familiar with its details, nevertheless, with the above acknowledgment, to embody some of the leading objections to the course pursued against the rights of the States, will not, it is hoped, be considered improper. The people cannot be too well enlightened on this subject.

First, then—The Committee contend that the States, through their Legislatures, have a right to complain of, and redress if they can, all usurpations of the General Government. They maintain "that the terms of the grant, in the Federal Constitution, did not convey sovereign power generally, but sovereign power limited to particular cases, and with *restrictive means* for executing such powers;" and further, that the powers "were delegated not by the people of the United States at large, but by the people of the *respective States*, and that therefore, it was a compact between the different *States*." Composed as the States were at the close of the revolution, being independent then of each other as they were previous to that event, and in the exclusive possession of self-government, it will be readily admitted there could be but two ways to form the General Government, either by "compounding the American people into one common mass," giving up their State governments, and suffering the majority to govern; or, by continuing their State governments, and delegating a part of their power to the General Government, for the protection of the whole. Under one or the other of these methods has the General Government come into existence. Now, no one will pretend to say, that it was under the first named method: the power was not delegated by the people, composing one great *consolidated community*, but by the people of *each State*, unconnected with, and independent of, the people of the *other States*, in their *corporate capacity*.

If the history of this transaction is attended to, every one must be convinced that, from first to last, it was a procedure of the *States*, and not of the people composing *one great* political society. They were separate and distinct before the revolution; they *confederated* as States, for the purpose of more effectually conducting them through that struggle—they remained independent, and were so acknowledged, with all their rights, territorial and municipal, at the close of it. By *States* the proposition was made to enlarge the powers of the Confederation. The States appoint delegates for that purpose; they assemble, make and submit to the *States* a Constitution, expressly declaring that when the same is ratified by nine out of the thirteen States, the same

shall be binding, and the States are still found exercising independent and sovereign control over their ungranted powers. Now, if the assent of a *majority* of *all the people* of the United States was necessary to ratify this instrument, was it not as easy to have so declared, as to say that nine out of thirteen States should effect that object? Would it not have been more intelligible, and have better answered the purpose, if such was intended, than the mode adopted? But that this was not intended was obvious, from the fact, that according to the plan pointed out for the ratification of the Constitution, more than two thirds of the States might have received the instrument, and yet a majority of the whole people would have rejected it. For instance, at the first census in 1790, Massachusetts, New-York, Pennsylvania, and Virginia had 56 members out of 105 in Congress; at the second census in 1800, they had 74 out of 141, and in 1810, they had exactly one half of twenty-three States. Now every one must perceive, if these four States had alone voted against the Constitution in opposition to all the rest, the instrument would nevertheless have been adopted, and clearly adopted against a *majority* of the *whole people* of the United States.

The absurdity of this result, to-wit, to have a government founded upon the *will* of a *minority*, is so extravagant as to refute altogether the idea that the Federal Government is "truly and emphatically a government of the people." But it is contended that the Constitution was ratified by the States assembled in convention, and that therefore the people of each State adopted it—This is granted; and in what other way could it have been ratified?—This is the only way that the *sovereignty* of the State could act. It was the sovereign consent of the State that was asked—this could not have been expressed by any one branch of the government of the State, for the sovereignty does not lie in any one branch alone—But after the people of each State had, in their sovereign capacity, delegated a portion of their sovereign power to the General Government, and that Government received it as a *TRUST*, every one must perceive, that as the people of each State cannot always remain in convention, for the purpose of taking care of their reserved, and guarding the exercise of granted powers; and as they have in their State Constitution granted the residue of the power not previously conferred upon the General Government to their own Legislature, except such as are *especially* given to the Executive and Judicial branches of the Government, in no manner partaking of a *representative* nature, it follows that the care of this *TRUST*, as well as every other interest of the people of each State not granted to the co-ordinate branches of the State Government, belongs to their Legislature. To make this idea clearly understood: All power is in the people—They are obliged to exercise it by representatives—They grant a portion of it to the General Government—The residue is distributed

among their own Legislative, Executive, and Judicial branches of Government—The watching and superintending of the power granted to the General Government so as to keep it within its proper limits, must remain somewhere -- The people act alone by their State authorities; this right is not with the Executive or Judicial authorities of the State; the conclusion is irresistible, that their representatives in General Assembly met, have the right to protect the States from the usurpations of the General Government, and to remonstrate against any act that shall *encroach* upon the powers reserved by the people and *granted* to their own Government—Under this firm conviction, the committee claim for the Legislature the right to protest, and earnestly remonstrate against the exercise, on the part of the General Government, of any undue powers, and especially, a power assumed by them to encourage domestic manufactures, and to effect a system of internal improvement within the States. We know that all complaints are listened to with jealousy and sometimes with contempt, and unfortunately, this State has had stronger evidence of this, than the general truth of the remark. But we likewise know, and if it were necessary, we could produce more instances of the fact than is furnished by the American Revolution, that a long course of abuse, encroachment and oppression, followed up after repeated warnings and respectful expostulations, have terminated in a convulsion fatal to the affections which generally bind together either men or nations. We do most solemnly deprecate such an issue of the attachment which we bear to the General Government, and if that Government entertains a faithful recollection of all history on this subject, and is not borne away by the pride of superior power and strength, which usually closes the ear to just remonstrance, there is yet no danger of such a result. But if reckless of the fact, that the only true cement of the Union, is a generous and high-minded affection of its members for each other, and that no sordid motives of speculation or selfish desire to prosper upon each other's injuries or misfortunes has brought them together, it must be obvious to every understanding, that an uncompromising course of self-willed legislation upon subjects so long and so often objected to, must inevitably end in the worst of consequences.

If the subjects of Domestic Manufactures and Internal Improvement depended upon the question of expediency, we should have nothing to say, for that is a matter purely within the power of Congress; and although we should greatly deplore the adoption and continued prosecution of a policy obviously grinding down the resources of one class of the States, to build up and advance the prosperity of another of the same confederacy, yet it would be ours to submit under the terms of our compact. All argument is vain against interest supported by power. But we do most solemnly believe, that such policy is contrary to the letter and spirit of the Federal Constitution.

All must agree, that the best method of ascertaining the intention of the framers of the Constitution, wherever the power is doubtful, is first to go to the *letter* of the power, and then to the history of its origin as contained in the journal of the Convention. This is the method we propose to pursue in relation to the two subjects just above expressed.

When we ask for the *letter* of the above powers in the Constitution, there is a diversity of opinion on the subject, and we are pointed to various passages in that instrument, by various advocates of the General Government's right, not uniformly agreeing among themselves on the different clauses conferring this right — Now this uncertainty of itself ought to create great doubt, and in all free government, doubt and forbearance in relation to the exercise of power, ought to be synonymous. But most persons refer to that particular clause of the Constitution, which gives to Congress the power to regulate Commerce with Foreign Nations, and among the States.

Before we examine this point with reference to its particular import, it will be proper to lay down some general principles which made the *establishment* of the Federal Government at all necessary. If the intelligence and moral character of the States were altogether sufficient for their own internal police, (and that it has been, stands fortified by the most ample experience) wherefore the necessity of a General Government? Every body perceives that the laws which would do for the municipal regulation and internal affairs of Massachusetts would not do for Georgia; and therefore a Government to legislate for both, in those particulars, would be absurd and ridiculous. What then was it that made these two States *unite* in what is called a *General Government*? Does any one believe it was that *both States* should legislate for the particular interest of one, and against the particular interest of the other? Or to come more to the point, that *both* should legislate for the promotion of the *manufactures* of the one, and directly against the *agriculture* of the other! No one can believe this, unless he is prepared to say that the weaker State was utterly destitute of all sense of self-preservation. The exclusive inducement and sole motive then to the UNION was, first "COMMERCE, and secondly, the COMMON DEFENCE." Every one must at once perceive, who has any knowledge of the history of the times, that at the close of the Revolution, the States were left in the most ruinous condition, as to their public *debt* and *credit* — that to COMMERCE, every State looked as the only efficient source to relieve them from their burthens; and as each State had exclusively the right to regulate its own trade, the utmost perplexity and confusion must have resulted from the great diversity of interest which existed among them. *Commerce* too is the fruitful source of *war*. To regulate then, a matter so essential to the welfare and peace of the States considered as neighbors, who

had just come out from a most disastrous conflict, the common dangers and sufferings of which had greatly endeared them to each other, and to DEFEND this interest from internal and external aggression, was the true and only ground of the Confederation—Or, in the language of an able writer, all that was desired, ‘was a FEDERAL HEAD to regulate Commerce, and a *Federal arm* to protect us.” To secure these objects, all the powers granted in the Constitution, are entirely referable. It is a General Government, and therefore the powers are *general*. The States never intended to give up one particle of power that related to their *internal police*; all the powers of the General Government are *national*, that is to say, they are suited to the *whole confederation* as one nation; they are not to operate partially so as to affect one State and not another. All the powers granted by the General Government, with the exception of taxation, the States cannot legislate upon, so that when it is necessary to ascertain the powers which belong to each, it is alone tested by this principle—If the General Government can legislate upon it, *the States cannot*, and *vice versa*. The two Governments do not possess *concurrent* power of legislation on the same subjects. The Federal Court has declared that “it is the genius and character of the whole Government, that its action is to be applied to all the *external and internal concerns which affect the States generally and equally*; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government.”

With these general reflections, let us proceed to consider the right of the General Government to encourage Domestic Manufactures, under the right to regulate Commerce. It is readily conceded, that any law regulating Commerce for its sole *advantage*, or for the purposes of *revenue* which shall incidentally promote the interest of Manufactures, will be perfectly reconcilable with the power to regulate Commerce; but the moment it loses sight of either of those objects, then it is a departure from the spirit and true intent of the Constitution; and a breach in that regard, according to all interpretation of law, is not less illegal, than a violation of the most express provision in the instrument. COMMERCE was one of the prime causes of the Union; if it was the source to which *each* State looked for its prosperity, it was the *intent and interest* of the whole to have it so regulated by the General Government, as to be productive of the greatest possible advantage to the confederation. In giving up their great source of wealth to the Union, no one can believe it was for any other object than to be encouraged, fostered, and promoted by all the means which the united energies of all the States could exert. In the power to regulate Commerce, no one could possibly conceive there was contained a lurking principle

to destroy it; yet every one must admit, that the direct tendency of encouraging manufactures, is to produce that effect. And if proof of this assertion, commercial men, commercial cities, from one end of the Union to the other, raise their hands and voice in the most earnest opposition to this singular method of regulating commerce by promoting manufactures.

But there is another view of this question which is worthy of peculiar notice. It is a principle which no one will deny, that what is *directly* forbidden, cannot be *indirectly* effected. Now the Federal Constitution, in granting the power to regulate commerce, was so fearful that the regulation might be made to operate partially upon the States, to the benefit of some and injury of others, that it declared "no tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or REVENUE to the ports of one State over those of another." If then no regulation of commerce or REVENUE could directly be made to act unequally upon the States, how happens it that a regulation concerning manufactures, bottomed upon the power to regulate commerce, can lawfully have that effect. In other words, if a law compelling Georgia to pay duties to Massachusetts for the protection of her commerce would be unconstitutional, how does it happen that a precisely similar law to protect manufactures, derived from the right to regulate commerce, is not equally so?

In carefully consulting the journal of the Convention, nothing appears on the subject of manufactures, until the 18th of August—On that day this power was proposed to be given, to wit: "to establish public institutions, rewards and immunities for the promotion of Agriculture, Commerce and Manufactures. On the 20th of the same month, another proposition "to assist the President in conducting the public affairs, there shall be a council of State of the following officers: among others, the Secretary of Domestic Affairs, who shall be appointed by the President, and hold his office during pleasure. It shall be his duty to attend to matters of general police, the state of agriculture, and manufactures, the opening of roads and navigation and the facilitating communications through the United States. And he shall, from time to time, recommend such measures and establishments as may tend to promote those objects." These propositions were referred to what was called the committee of detail; and afterwards on the 31st of August, was referred, together with some other reports which this same committee had partially made, to a grand committee composed of one member from each State. On the 5th of September this committee reported, among other things, the following proposition, which is now found standing in the Constitution, to-wit: "To promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors, the exclusive right

their respective writings and discoveries " This clause then is all that could be produced from the unequivocal propositions to grant the power to the General Government, of encouraging manufactures—And what is it? The right to promote science and the *useful arts*. Under the first, no one will contend that the power to protect manufactures will result. It must be then under the last. And there is no doubt, under the expression of *useful arts*, as distinguished from the term *fine arts*, both *agriculture and manufactures* would properly fall.

All persons will agree that no *arts* can be more *useful* than agriculture and manufactures. Every one must at the first glance perceive that, if the clause had have stopped at the word "*useful arts*" the power to promote *manufactures* would have been full and complete beyond all cavil. But does it stop there? Is it a general or limited power? And if a limited power, how is it limited? Let common candor answer the question, not by protecting duties, not by imposts on foreign exports, not by premiums and bounties, but "by securing, for limited times, to authors and inventors, the exclusive right to their respective writings (in SCIENCE) & discoveries (in the USEFUL ARTS.)" Now, says an able advocate of State rights, "If a power to promote a specific object, by a prescribed mode, does not exclude the power to promote it by a different or other mode, then there is no truth in a universal maxim (in law and logic) that "the expression of *one thing* is the exclusion of *another*." The restrictive words upon the power to promote the useful arts, must have meant something; and is any one so uncandid as not to own that it was merely to "secure to ingenious men patents for their inventions."—*Writings and inventions* would alike benefit all the States, being *general* they would have an equal and impartial operation over the *whole Union*—Not so by encouraging the *fabricks* that resulted from these inventions; for some States might possess greater means both moral and physical to produce them. The inventor of the plough might be rewarded; but no one will contend that it should entitle the *ploughman* to an exclusive privilege over the *weaver*—Nor would a *patent* for the *steam loom* authorise a peculiar indulgence to its *cloth* over the hard earned bread of the planter. These being all local and partial operations, would subject the States, if submitted to the legislation of the general government, to the most unequal effects, and wholly subversive of that principle which we have already mentioned, that the "action of the general government is to be applied to all the external and internal concerns which affect the States generally and equally; but not to those which are completely within a particular State." Manufactures had been proposed in the Convention, and so had the sciences, and all that could be possibly obtained for them was the provision we have just explained. Every one must believe if more had been in-



tended, more could have been given; for never was a subject so entirely before a deliberative body, than was that of manufacture, before the Federal Convention.

But there is another section of the Constitution, which when taken in connection with the history of its adoption, places this question beyond all doubt, and for the exposition of which, the committee are indebted to an able southern writer on the subject of Federal Powers. It is the following: "No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State, on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress." Those who will consult the structure of this clause, in the journals of the Convention, will find that perhaps none other was more disputed; and that a very different object was intended, from that of levying a trifling duty to execute inspection laws. What was that object? It cannot be discovered from the clause itself; and perhaps none in the constitution has been so often read without a knowledge of its true intent and meaning. To grant the State the privilege of imposing duties beyond what is necessary for inspection laws, merely to go into the National Treasury, seems to be perfectly idle. What benefit is it to be to the States? Some was certainly intended, and fortunately, there is at hand a key to this mystery. It was to enable the States, within themselves, if they desired it, to protect their own manufactures, by the imposition of export duties on the raw materials, or imposts upon foreign fabrics. Without this construction, every body must at once perceive that the clause is useless and ridiculous, and is the only feature of the Constitution without meaning or motive. But, happily for the interest of the agricultural States, we have a contemporaneous and complete explanation of the object and intention of this clause.

Mr. Luther Martin, a Delegate of the Convention from the State of Maryland, in giving to his State an exposition of the Constitution on this particular clause, indignantly remarks—"Every State is also prohibited from laying any imposts or duties on imports and exports, without the permission of the General Government. It was urged by us, that there *might* be cases, in which it would be proper, for the *purpose of encouraging manufactures*, to lay duties to prohibit the exportation of raw materials; and even in addition to the duties laid by Congress, on imports for the sake of revenue, to lay a duty, to discourage the importation of particular articles into a State, or to enable the *manufacturer here*, to supply us on as *good terms* as they could be obtained from a *foreign market*. But the most that could be obtained was, that this power *might be exercised* by the

States, with, and *only* with the consent of Congress, and subject to its control ; and so anxious were they to seize on every shilling of our money for the general government, that they insisted even the little revenue that might thus arise, should not be appropriated to the use of the respective States where it was collected, but should be paid into the Treasury of the United States, and accordingly it was so determined." Besides fully accounting for the clause in question, what are the rational inferences from the foregoing quotation. In the first place, we see that the power of Congress itself to lay duties on imports was for "the sake of revenue" alone. In the next place, aside from the fact, that the subject of manufactures had been before the convention and settled to be promoted only by *patent* ; if there had been any power reserved to the General Government to encourage that object, Mr. Martin would not have asked for that right to the States, seeing that the only manner in which it could be done was forestalled by the Constitution, in conferring upon Congress the exclusive right to impose duties on imports. The States being engaged in different pursuits, all subject to clashing interests, a *general* power could not be given to the Federal Government to regulate such a local concern—Accordingly it was placed as it should be, at the discretion of each State, who might protect its own manufactures, if it should choose to do so, without calling upon its sister States to bear the burthen. Adopting the ideas of a profound writer on this subject, surely a State does not wish greater advantages by the Union, than would be enjoyed by her confederates ? Surely she does not desire more, at the expense of her sister States, than she would possess if she remained free and independent—Surely, if sovereign and independent of the whole world she would not lay duties to encourage her own domestic manufactures, because it would oppress her commerce and agriculture ; she will not wish their prosperity at the sacrifice of the very same interests of her neighbors ? If there is any State that desires her manufactures to be promoted, why does she not avail herself of the express provision intended for that purpose ? Is it because it will injure her other great concerns ? And have other States no interests to affect ? If a State has the power by the Constitution, to do exactly what she might do if alone, and it is her interest to do so, why does she not proceed to encourage her manufactures by the appointed means ? No—the fact is, such a State wants the profit without the burthen of such a measure ; and as long as she can tax her associates to answer her purpose, her own community will never be made to bear any of the sufferings of such an unequal system. If other States are obliged to pay the cost, or even divide it with the State seeking to establish her manufacturing institutions ; if their exports and imports are to contribute to the welfare of northern money-making projects, and to advance the

schemes of private capitalists, depend upon it, the only method that will be pursued in the future, in the increasing exaction of the tariff laws of 1816, 20 and 24.

With regard to the question of Internal Improvement, independent of the fact, that there is not a solitary expression to be found in the Constitution, in the remotest degree connected with the subject, we have already shewn that on the 18th and 20th of August, a distinct and full proposition to grant that power was rejected by the Convention; and the Committee would here only serve that many of the remarks which they have made on the subject of manufactures, will be strictly applicable to this branch of the subject. But in addition to what has been submitted, we have to state, that the following facts are to be found on the journal of the Convention, to-wit: on the 18th of August it was specially proposed to vest in Congress the power "*to grant charters of incorporation*, in cases where the public good may require them, and the authority of a single State may be incompetent.

*To establish a University.*

To encourage by proper premiums and provisions the advancement of useful knowledge and discoveries.

To establish seminaries for the promotion of literature and the Arts and Sciences.

*To grant charters of Incorporation.*

To establish public institutions, rewards and immunities for the promotion of agriculture, commerce, trades and *manufactures*; and to regulate stages on the post roads." Now, where are any of these powers to be found in the Federal Constitution and what course of reasoning can entitle them to a place in a instrument purporting to contain nothing but expressly defined powers. But this is not all—On the 14th of September, only three days before the final passage of the Constitution, some still anxious to enlarge the powers of the General Government, after the instrument was presented for the adoption of the Convention proposed "*to grant letters of incorporation for canals*," &c. which was rejected.

The Committee are aware that the subject is far from being exhausted, but time would fail them to present all the objections which could be justly preferred against the course of the general government. Less could not be said, for the subject is of such growing magnitude, and is producing sensations of such just inquietude among the people of the South, that they ought to be made thoroughly acquainted with all its bearings; and certain can never be too often admonished to be prepared for the worst events. The Committee are fully sensible that every degree of moderation is due to the question, upon which they have founded the present serious complaint; but they owe it to truth and sincerity to say, that it is their decided opinion an increase of Tariff

ties will and ought to be **RESISTED** by all legal and constitutional means so as to avert the crying injustice of such an unconstitutional measure.

They are constrained too to say, that this State ought to *oppose* in every possible shape, the exercise of the power, on the part of the General Government, to encourage Domestic Manufactures, or to promote Internal Improvement. They will not extend, at present, to recommend the mode of **OPPOSITION**; but they will recommend the peaceable course of remonstrating with Congress on the subject, and of asking of that body to pause before it proceeds any further in measures that must inevitably destroy the affection of some of the States for the General Government. It will detract nothing from the firmness or wisdom of Congress, to listen to the voice of State Legislatures while it is considering the memorials of *manufacturing companies*.

If to the contempt of *right*, there should be added the jealousy of *partiality*, it must be obvious to all that there will be an increased account of unmerited aggravation. How long a people shall be permitted to complain, or how much they can be made to suffer, has always been matter of dangerous experiment and doubtful calculation; and knowledge acquired under either, has never been without its certain and severe regrets. In conclusion, your Committee recommend the following resolution:

*Resolved*, That his Excellency the Governor be and he is hereby requested to cause the foregoing Report to be laid before Congress at its next session. And that he forward a copy of the same to each of the other States, to be laid before their respective Legislatures for the concurrence of such as may approve of the principles therein avowed; and as due notice to those who dissent from the same, that Georgia as one of the contracting parties to the Federal Constitution, and possessing equal rights with the other contracting party, will insist upon the execution of that instrument, contained in said **REPORT**, and will admit to no other.

The following message was received from the house of representatives by Mr. Dawson their clerk:

*President—*

The house of representatives have passed the following bills, to—

bill for the removal of persons from lands not condemned by

bill to amend the 12th section of the 9th division of the penal code of this State.

bill to establish an additional election district in the county of Fayette.

bill to authorise the Sheriff of Elbert county to have advertised sales in one of the public gazettes of Milledgeville.

A bill to repeal part of the act to revise and amend the Judiciary system of this State, passed on the 11<sup>th</sup> day of February, 1779.

A bill to compel the Attorney and Solicitors General to give bond and security for the performance of their duties.

They have agreed to the report of the committee on Agriculture and Internal Improvement, on the subject of the improvement of the navigation of the Oconee river.

They have agreed to a resolution authorising and requiring the Governor to pay to the trustees of the poor school fund of Franklin, or their order, the last year's dividend of that fund due said county, as well as the dividend that may be declared on said fund in favor of said county the present session of the legislature—and

To a resolution authorising the Governor to pay the poor school dividend set apart for the county of Scriven to the trustees of the poor school fund of said county.

The senate took up the report of the joint committee on the State of the Republic, to whom was referred the resolution of the senate instructing an enquiry into the right and propriety of the Congress of the United States' appropriating money from the public treasury of the Union, in aid of the Colonization Society,

Which was amended to read as follows, and agreed to :

The joint committee on the State of the Republic, to which was referred the resolution of the Senate, instructing an enquiry into the right and propriety of the Congress of the United States appropriating money from the public treasury of the Union, in aid of the Colonization Society, Report—

That, assuming as a fact well known to this Legislature, that the American Colonization Society has declared its intention to make application to the Congress of the United States, for an appropriation in aid of its funds, your committee believe, that the time has arrived when it becomes the imperious duty of the General Assembly of Georgia, *gravely and firmly* to enter its protest against the right of Congress to make such appropriation. If, on the final adjournment of that great assemblage which formed the Constitution of the United States, any one had declared that the genius, the wisdom, and the patriotism there combined, had totally failed to effect the object of the convention ; that instead of creating a Government of limited powers, they had, by the careless insertion of a few words, vested that government with absolute and unlimited sovereignty, *that man* would have been laughed at for his folly, or branded as a demagogue. It is true, that some *did* apprehend and predict, that as the new government advanced from infancy into the full vigor of life, attempts would be made to grasp, by construction, those powers which had not been expressly granted by the convention ; but the great majority of the people believed, that the terms of the grant were too well defined to admit of construction ; and that if there was a serious objection to the constitution, it existed the rather in leaving the Federal Government too weak and defenceless, to resist the encroachments of the States—against this alleged error of the great majority, a few voices were heard warning the people of that error : the warnings, like the warnings of the prophets of old, were disregarded.

ed or forgotten, and it is only now, when time has made them *prophecies*, and those prophecies are in the act of fulfilment, that the wisdom and foresight of those great men who gave them utterance, have been generally acknowledged in the Southern States ; it was *only when*, in a recent difference between the Federal Government and the State of Georgia, the Chief Magistrate of that government, emboldened by the silent acquiescence of the States in its gradual encroachments, had declared his *right*, and the right of Congress, to settle that difference by the sword of the Union ; it was *only when* the then Chief Magistrate of this State, *guided and actuated* by the purest and most *devoted feelings* of affection for that Union, and by his *right and just* sense of his high responsibilities, threw himself fearlessly upon the ramparts of the Constitution, there to sacrifice himself in its defence ; it was *only when* the States to the East, the North and the West stood by this scene in silence, forgetful of their own deep interest in that contest, or, if a voice was raised, *that voice* was an approval of the threatened violation of *rights*, common to *them* and to *us* ; it was *only when* those States seemed to have forgotten that part of the compact, by which all the States became mutual guarantees of the rights reserved to each ; it was *only then* that the people of the South were aroused from their fatal lethargy ; and it is *only now* that they begin *deeply to feel*, that the preservation of their happiness and prosperity depends upon the preservation of that Constitution, as it came from the hands of its makers—and *feelingly to know*, that this can *only* be effected by union among themselves, and by a *firm, determined*, and manly resistance to any attempts to merge these free and sovereign States into one grand, unlimited, consolidated government.

It was from these views and these convictions, that your committee have deemed it their duty to give to the subject submitted, the most grave and serious investigation ; and although in the discharge of this duty, they can hope to present but little which is new, yet they hope they will have effected the object of their appointment, if they succeed in compressing within a narrow compass the opinions and arguments of others, which they believe to be irrefragable.

The Federal compact was a compact made between independent sovereignties, for the general benefit and welfare of the whole, by which each, to effect that object, relinquished to a common head, portions, and like portions, of its sovereign power, reserving to itself the exclusive enjoyment of the residue ; and by which, all became mutual guarantees to each, of the absolute and exclusive enjoyment of that residue :—It was an association of independent and absolute sovereignties, all believing, that by the concession of certain of their powers, which could not be fully and separately exercised by each, without interfering and clashing with the exercise of the same powers by others, those powers so conceded could be exercised most beneficially and efficiently for all—Such were the powers, and the *only powers* relinquished, or intended to be relinquished by the States ; and all the powers which could be exercised by each, in a way sufficiently beneficial, and without clashing or interfering with the exercise of the same powers by the others, were in-

tended to be retained, and *were retained*, by the States in their separate capacities. If this was the true intent and meaning of the parties in framing and executing that compact, (and your committee can not doubt that it was,) then it irresistibly follows, that Congress cannot, by *implication*, derive from that compact, power to do *any act* which can interfere with the just and full exercise, by the States, of powers which each *can within itself exercise*, in a way sufficiently beneficial *to itself*, without clashing or interfering with the full exercise of the same powers by any other State *within itself*; such are the powers of each State to make roads and canals, and regulate its slave population, within its own limits: whenever, therefore, it shall become a question, whether a particular power is vested in the Federal Government, such question can always be determined by reference to this test.

But it is not the intention of your committee to enter into the discussion on the present occasion, of what are the powers granted, or what retained by the States; or whether the Federal Government possesses other powers than those expressly defined in the Constitution, for they deem such discussion, in its full extent, wholly unnecessary to a correct decision on the inquiry submitted to them. The question is, has Congress power to appropriate money out of the common fund, to aid the Colonization Society, or for objects, to attain which, that Society was established? The most strenuous advocates of the rights and powers of the Federal Government have ever ventured to contend that it is other than a government of limited sovereignty: they have contented themselves with insisting *only*, that in addition to the powers expressly granted, it possesses all powers necessary for carrying into full effect those given powers; and in a few instances, apparently trifling in themselves, but of immense magnitude when taken as precedents, (finding that these sources of power have failed to sustain them,) they have sought for shelter under the flimsy covering of the words in the 8th section, 1st article, "provide for the common defence and *general welfare* of the United States"—such is the case now under consideration. No one can have the hardihood to contend, that there is a word in the Constitution which expressly gives to Congress the power to make the appropriation in question; or that the exercise of such power is necessary for the full and effectual exercise of any power expressly granted; nor is there in that Constitution, any other clause than the section above referred to, which, by any construction, could be strained into a grant of such power. On these words then, are the advocates of this appropriation compelled to rest the issue of their cause, and on the intent and meaning of these words, as applicable to that issue, your committee are prepared to join in that issue.

It will scarcely be contended, that the establishment of an African colony, at the distance of three thousand miles, on a barbarous and pestilential shore; or that the liberation of the slave population of the South, is *necessary or essential* to the *common defence*; nor do our committee believe, if those objects were effected, that they could be for the *general welfare* of the Union. The establishment of distant colonies would, by extending our relations, multiply the causes of foreign wars; and the existence of slavery in some of the

States, cannot, as your committee can perceive, influence in any manner the internal prosperity or affairs of the other and distant States; on the other hand, they believe that the liberation and transportation of the slave population, even if it could by any possibility be effected, would impoverish and depopulate the Southern section of our country, while it would diminish the welfare of the negroes themselves.

But it is not the intention of your committee to inquire into the expediency of the measure, for it has been well and truly said by one who has read and thought deeply on the subject, that to rest the exercise of the power in question on its expediency, is to give up the right, and to subject ourselves, at once, to all the evils and mischiefs consequent upon its exercise. Your committee have based the issue on the ground of right; they deny the power of Congress to make such appropriation; and they say, that if the question of power is to be determined by construction, and by construction alone can it be claimed, then they say, that it is manifest on the face of the Constitution *itself*, that the convention intended to prohibit Congress from the exercise of such power. It has been ably argued by a writer in an adjoining State, and, as your committee believe, conclusively, that the words "general welfare" above referred to, are words of limitation, and not of grant of powers; that they do not give Congress a right to appropriate money at its discretion, but limit that body to such appropriations as are for the welfare of the whole Union. But your committee deem it unnecessary to examine what are the appropriations which Congress can constitutionally make under these words, whether they be words of limitation or not, but will confine themselves to the question, whether from other provisions of the constitution, the clause can in either case be relied on to prove that it was the *intention* of the convention, by the insertion of those words, to give the power to Congress to make the appropriation in question?

If your committee are correct in the opinion, that the convention meant to grant to the Federal Government only those powers which could be fully and efficiently exercised by a single sovereign, and which could not be fully and separately exercised by the States individually, without clashing and interfering with each other; and that all other powers were reserved to the States respectively; and if this separation and designation of powers was deemed so important, that by an amendment of that Constitution, it was declared in express terms, that the powers not delegated to the United States, should be reserved to the States respectively, or to the people; then it follows, that it could never have been the intention of the framers, of that instrument, to grant to the Federal Government any power to appropriate money in a manner which could interfere with, disturb, or control the States in their fullest exercise of the powers reserved to them. But your committee believe, that such argument on general principles, will become unnecessary to the support of the position which they have taken, if they can produce a clause in the Constitution, of reservation by the States, which would be rendered absurd and worse than useless, provided the convention intended,



gress the power contended for. *Where* the meaning and effect of every word was carefully weighed and re-weighed, and examined before its insertion; where every word thus carefully inserted, was afterwards jealously and severely scrutinized by thirteen assemblies of the wisest and best men in their respective States, each vigilantly watching and guarding their own local interests and circumstances, it can scarcely be believed, that two clauses would be inserted and permitted to remain, one of which would operate to defeat, and finally to destroy the whole object of the other; yet such must inevitably be the result, if the construction insisted upon be correct.

At the first establishment of the Colonization Society, whatever may have been intended or avowed as its object, your committee believe that they can say with truth, that the general impression in the Southern States as to that object was, that it was limited to the removal beyond the United States of the *then* free people of colour and their descendants, and none others. Under this impression, it at once received the sanction and countenance of many of the humane, the wise, and the patriotic among us. Auxiliary Societies were formed in our own State, and the numbers, the influence and the resources of the society were daily increased; it is now ascertained that this impression was false, and its officers and your committee believe the society itself now boldly and fearlessly avow, that its object is, and ever has been, to remove the whole colored population of the Union to another land; and to effect this object, so wild, fanatical and destructive in itself, they ask, that the general fund, to which the slave-holding States have so largely contributed, should be appropriated for a purpose so especially ruinous to the prosperity, importance, and political strength of the Southern States.

That the people of the South, at the time of the adoption of the Constitution, considered not only the retention, but the increase of the slave population, to be all important to the welfare and interests of their States, is manifest from a reservation in that instrument itself, which, it cannot be doubted, was inserted on their express requisition. By the first clause of the ninth section of the first article; it is provided, "that the migration or importation of such persons as any one of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year eighteen hundred and eight." Who were the persons here meant?—Africans. And for what purpose were they to be imported, and into what States?—They were to be imported to be held in slavery in the Southern States. Who then were the parties interested in making such reservation?—The people of the South, and they alone.—What was the motive of those people in insisting upon the reservation of the right to make such importation for twenty years?—Unquestionably to increase that species of population. Why increase it?—Because they believed it to be essential to the improvement, welfare and prosperity of their section of the country; and upon the numbers of which, by another provision of the Constitution, the weight of the Southern States in the general council in part depended. If such were the motive, and what other could there have been, for the insertion of that reservation, can it be believed that those very people meant, by another clause, to give to Congress the power

er to appropriate money out of the common fund to which they were so largely to contribute, for the purpose of again removing that very population, the right to increase which, was so carefully reserved ; that they insisted upon retaining the right to import Africans, merely again, and in part at their own expense, to re-export them to the shore from whence they had been brought—yet such would be the effect of the constructive power contended for—your committee now ask, if it can be believed for a moment, that it was the intention of the convention, under those general words of the 8th section of the 1st article, to give to Congress a power to appropriate the common fund to the removal of the slave population of the country ?

Your committee have done with the argument—it has been presented with the sole view of satisfying the people of Georgia, that their representatives here assembled, in entering a protest against the exercise of such power, are justified in such proceeding by the Constitution itself ; and not with any hope or expectation of changing the settled purpose of those, who from selfishness or fanaticism, are urging Congress to the exercise of this power ; or who from morbid sensibility, or ignorance of circumstances, or indifference to the effect upon us or our coloured population, are using every means in their power to render that people discontented with their present situation ; a situation far preferable as your committee believe, in point of ease and comfort, and nearly as independent as that of the white laborers of the Northern or Eastern States, or of any nation in Europe.

Your committee cannot avoid reprobating the cold blooded selfishness, or unthinking zeal which actuates many of our fellow citizens in other States, to an interference with our local concerns and domestic relations, totally unwarranted either by humanity or constitutional right—such interference is becoming every day more determined and more alarming ; it commenced with a few unthinking zealots, who formed themselves into abolition societies ; was seized upon by more cunning and designing men for political purposes ; and is now supported by more than one of the States, as is evident from the amendments of the Constitution proposed by Legislative bodies, and so frequently, and indeed insultingly presented for our approbation. The result of such interference, if persevered in, is *awful* and inevitable. The people of Georgia know and strongly feel the advantages of the Federal Union—as members of that Union they are proud of its greatness—as children born under that Union, they love it with filial affection—as parties to that Union, they will ever defend it from from foes, internal or external ; but they *cannot* and *will not*, even for the preservation of that Union, permit their rights to be assailed—they *will not* permit their property to be rendered worthless—they will not permit their wives and their children to be driven as wanderers into strange lands—they will not permit their country to be made waste and desolate “by those who come among us under the cloak of a time-serving and hypocritical benevolence.” But how is this increasing evil to be met and remedied ? Nothing can be hoped from remonstrance—the judicial tribunals of the Union cannot reach it—

our own Legislature can by no enactment prevent it—How then is this evil to be remedied? Only by a firm and determined union of the people and the States of the South, declaring through their Legislative bodies, in a voice which *must* be heard, that they are ready and willing to make any sacrifice, rather than submit longer to such ruinous interference; and warning their enemies that they are unwittingly preparing a mine, which *once* exploded, will lay our much loved country in one common ruin. Your committee hope that such a calamity is yet far distant, and that there is still remaining in the Congress of the Union, sufficient discretion, intelligence, and patriotism to avert it altogether; with *that hope*, they deem it unnecessary *now* to do more than to recommend the adoption of the following resolution:

*Resolved by the Senate and H. of Representatives of the State of Georgia, in General Assembly met,* That the Congress of the United States have no constitutional power to appropriate monies to aid the American Colonization Society, or to objects to effect which, that Society was established; and that this Legislature, representing the feelings and will of the people, and the sovereignty of the State of Georgia, in the name and in behalf of the *State* of Georgia, denying the right, solemnly protests against the exercise or any attempt to exercise, such unconstitutional power by the Congress of the United States.

*And be it further resolved,* That copies of the above report and resolution, be forwarded to our Senators and Representatives in the Congress of the United States, and that our Senators be instructed, and our Representatives be requested, whenever circumstances may render the same necessary, to present the said resolution to both Houses of Congress, as the protest of the State of Georgia, against the right of Congress constitutionally to appropriate monies in aid of the American Colonization Society.

*And be it further resolved,* That a copy of the above report and resolutions be forwarded to the Governor of each Slave holding State of the Union, with a request that the same shall be laid before the respective Legislatures, asking their concurrence in such constitutional mode as to them shall seem best, to prevent the exercise of such power by the Congress of the United States.

The Senate took up the report of the Joint Committee on the State of the Republic, to whom was referred that part of the Governor's communication and the documents that relate to the prohibition by the General Government of the survey of the Territory acquired by the Treaty of the Indian Springs, and the threatening of military force to coerce obedience to the same, and amended it to read as follows:

The Joint Committee on the State of the Republic, to whom was referred that part of the Governor's communication, and the documents, that relate to the prohibition, by the General Government, of the survey of the territory acquired by the treaty of the Indian Springs, and the threatening of military force to coerce obedience to the same, have had the same under consideration and beg leave to REPORT—

That the committee believe they are warranted in stating that there was no necessity, on the part of the General Government,

r this inconsiderate act of power, even though it had been legitimate. In giving the reasons for this belief, any other than a plain and decided language, consulting alone a proper self respect, is deemed inadvisable, for it must be to the tameness of former restraints that we are indebted for such repeated acts of aggression. As is remarked by Governor Troup, the controversy with the General Government was to all appearances, happily terminating, at the close of the last session of the Legislature. But the Indians, under the guidance of a well known subtle influence at home, and emboldened by an equally undue encouragement abroad, have set up the insolent and insulting pretension that they are an independent people, and have lost no opportunity to have that aim recognised by the General Government and duly respected by ours.

On the 12th of January last, while the Surveyors of Georgia, in the discharge of duties assigned them by law, were surveying, for the purpose of disposition, the lands acquired by the treaty of the Indian Springs, a number of Indians styling themselves chiefs and head men of the Creek Nation, demanded of them in writing, to desist from stretching a chain over any of their lands; "at the same time wresting from them their instruments and threatening personal violence. The demand was communicated to the resident by their Agent, and "calling upon him for his interposition to protect them in their rights," as secured to them by the treaty of Washington.

The President, resolving to declare the Treaty of the Indian Springs a nullity, and to make the fact more mortifying to Georgia, determined to announce it to the public authorities of the State, upon the complaint, and at the sole instigation of the Creek Indians, and lest this bold attempt should be misunderstood, for the want of that emphatic character which belongs to arbitrary measures, directed the Secretary of War to say to Governor Troup, "that he considered the Treaty of Washington as the "supreme law of the land, and charged by the Constitution with the execution of the laws, he should feel himself compelled to employ, if necessary, all the means under his control, to maintain the faith of the Nation by carrying that Treaty into effect."

Under a step so decisive, there was left to the Governor but one course, and it becomes matter of earnest congratulation to the country that it was promptly taken, to resist such an unwarrantable assumption.

It will be readily perceived that the whole difficulty turned upon the validity of these treaties. The measures pursued by Georgia, and the rights asserted by her councils, in relation to this often and much agitated question, placed the Governor exactly in the point, where he had to sustain the undivided force of the contest, or leave the previous policy of the State subject to the censure of ill-considered weakness, or what is worse, to the just reproach of idle inaction.

The clamor which was early vented against the Treaty of the Indian Springs, and its negotiators, by the Indians, and not a few signing white men, called the attention of the Legislature of Georgia to the subject, and accordingly, after the most deliberate

investigation of the charges against its validity, we find that body unanimously declaring that "the Treaty contains in itself intrinsic evidence of its own fairness in the liberal and extended provisions which it contains for the removal, preservation and perpetuity of the Creek Nation, and that the confidence of the State remained unimpaired in the honor, uprightness and integrity of the Commissioners."

This solemn avowal made by all parties, seemed in good faith, to have imposed upon all parties the most unqualified pledge to support this treaty, and the committee cannot but believe, if it had been more faithfully observed among ourselves, that it would have produced less opposition abroad; for distracted councils never fail to invite the indulgence of selfish power, or provoke the encroachments of artful ambition.

The Indians not content, however, with the provisions of this Treaty, than which none can ever be more advantageous to them, called upon the General Government to abrogate it, and without the consent of Georgia, after her rights had absolutely vested.— This has been done, in what is called the Treaty of Washington— an act, which the committee conceive involves between the two governments an obvious question of sovereignty. The committee believe the proper distinction has never been taken between the power to treat and the proper subject matter of Treaty— the first has never been denied, but it is denied that the rights of States can be treated away. This question does not belong to either to decide, but is subject alone to adjustment by fair negotiation, and to all the assertion of right which either party may choose to maintain. Accordingly in December, 1825, we find the Legislature of Georgia declaring "that full reliance is and ought to be placed in the treaty lately concluded between the United States for the use of Georgia and the Creek Nation of Indians, at the Indian Springs. That the title of the Territory obtained by said Treaty within the limits of Georgia is considered as an *absolute vested interest*, and that nothing short of the *whole territory*, thus acquired, will be satisfactory, and that the right of entry immediately upon the expiration of the time limited in the treaty be insisted on and accordingly carried into effect."

This declaration, so unequivocal in its character, and coming from a sovereign State, who conceived something at least due to their grievances, though denied to their rights, was totally disregarded and instead of opening the way to an adjustment of its difference with the General Government by friendly negotiation, seems to have increased the spirit of opposition on the part of that Government, and what was refused to us was promptly accorded to the Indians. They were met and treated as an independent nation and in the January following, they obtained a re-cession of part of that very land, in which, but the month before, the highest authority of Georgia declared they held "an absolute vested interest."

Unwilling yet to increase or continue the causes of controversy with the General Government, the Legislature of Georgia at their last session, in the most respectful manner remonstrated against the course which had been pursued, invoked that Government to review its measures, and earnestly entreated it to forbear the ex-

use of powers against which Georgia had so repeatedly protested; at the same time asserting "that Georgia owned exclusively the soil and jurisdiction of all the territory within her present chartered and conventional limits," and that "the attempted abrogation to the treaty of the Indian Springs, by the treaty of Washington, in so far as it divested the State of Georgia of any right acquired under the former, is illegal and unconstitutional."

This remonstrance, instead of inducing the President to pause, and of inspiring a proper sense of respect for the earnest expostulations of the State, seemed to have no other effect than to add fresh impulse to an hostility that had already gone beyond the limits of either prudence or justice. And that nothing should be wanting to place the course of the general government clearly without the range of doubt or mistake, the President communicated to Congress on the 5th of February last, "that the act of the Legislature of Georgia under the construction given to it by the Governor of that State, and the surveys made or attempted to be made by this authority beyond the boundary secured by the treaty of Washington to the Creek Indians, are in direct violation of the Supreme Law of the land"—and this unqualified opinion, unaided by the weight or authority of any other branch of the government, either legislative or judicial, was thundered forth in the self same message that declared the singular fact, that the question was about to be submitted to the *tribunals of Justice*. But as if impatient of the result which might possibly flow from sober councils and the wonted discretion of legal enquiry, a light in which the subject had not often been considered, and at the same time to overawe all dispassionate investigation of an opinion so bold in its character and *seemingly* so determined in its purpose, it was distinctly announced "that, if the legislative and executive authorities of the State of Georgia shall persevere in *acts of encroachment* upon the territories secured by a solemn treaty to the Indians, and the laws of the Union remain unaltered, a superadded obligation, even higher than that of human authority, will compel the Executive of the United States to enforce the laws and fulfil the duties of the nation by all the force committed, for that purpose, to his charge." And this ill judged, not to say impotent threat, was repeated in a letter from the Secretary of War to the Governor of Georgia, as already mentioned, and that it should lose nothing of the effect imposed by a military pageant, it was delivered by an officer at arms.

This plain history of the high handed authority asserted by the President and accompanied with a menace, which in the absence of firmer means is the usual resort of undecided purpose, presents but one intelligible conclusion.

If the Legislature meant any thing by its several acts disposing of the territory acquired by the Treaty of the Indian Springs. If they meant any thing by approving of the conduct of the negotiators of that Treaty. If they meant any thing by declaring that they had an absolute vested interest created by said Treaty, and that nothing short of the whole territory thus acquired would be satisfactory, and that the Treaty be insisted on and carried into effect. If they meant any thing by asserting that Georgia owned

exclusively the soil and jurisdiction of all the territory within her limits, and that the attempted abrogation of the Treaty of the Indian Springs was illegal and unconstitutional: this Legislature cannot but conceive that it became the bounden duty of the Governor to consider the *whole transaction* "as an invasion of our vested rights, offensive in its manner and not warranted by any principle of justice," meriting that hearty defiance which belongs to a people peculiar for their submission to constitutional authority, but equally remarkable for their opposition, in every shape, to tyranny and usurpation. And that he ought to have been prepared to resist the invasion of a "vested interest," as well in the unsettled territory acquired, as in the heart of the oldest settlement of Georgia. Accordingly, Governor Troup in reply to the Secretary of War, on the 17th of February last, declared that he felt it "to be his duty to resist to the utmost any military attack which the government of the United States shall think proper to make on the territory, the people or the sovereignty of Georgia, and all the measures necessary to the performance of this duty, according to our limited means are in progress. From the first decisive act of hostility, you will be considered and treated as public enemies, and with the less repugnance, because you, to whom we might constitutionally have appealed for our defence against invasion, are yourselves the invaders, and what is more, the unblushing allies of the savages whose cause you have adopted." This course is altogether approved by the committee, & what is extremely gratifying seems to be justified by most of our considerate sister States; and the replication of the Governor, is the more satisfactory, because, unlike some recreant threats that are made for *effect* and *intimidation*, it was backed by a preparation, so grave and determined, as to relieve it from all suspicion of being *idle* or *unmeaning*.

There is a circumstance connected with this subject, as the committee conceive, of such honorable disinterestedness, as to make it a matter of lively concern to present it to the consideration of the Legislature. In carrying into effect the orders of the President for the arresting of the public servants of the State, in the strict and faithful performance of a duty imposed upon them by the laws of their country, and subjecting them to the expense and exposure of a public and vexatious prosecution, the agency of the District Attorney became necessary, and was therefore demanded. That office, it is well known, had been and was then ably discharged by our esteemed fellow-citizen, Richard W. Habersham, Esq. a native Georgian; feeling and believing that his State was most unnaturally harassed, and unwilling to be the organ of outrage to her rights or an instrument of oppression to her citizens, he resigned into the hands of those, who were unable to appreciate such an act of magnanimity, a trust which could no longer be held, as he conceived, without disgrace to them and disgust to himself. For this example of rare patriotism, and it is not too much to say, rivalling many of the deeds of Roman virtue, he has been most illiberally denounced at home and abroad, by the advocates of an administration more beloved for its patronage than respected for its principles, and whose affection for its cause is measured by its success alone. Such an officer and such an instance of self-denial merits the grati-

lude of Georgia, and deserves and receives the thanks and approbation of this Legislature.

On motion to agree thereto, the yeas and nays being required, it was determined in the affirmative.

The yeas are 42—the nays are 19.

Those in the affirmative are Messrs.

Allen	Harris	Moore
Baber	Holloway	Munroe
Beall	Hoxey	Phillips
Brown of Camden	Janes	Ray
Brown of Monroe	Jordan	Ryalls
Burton	Lawson	Scarborough
Clayton of Clark	Leonard	Scarlett
Crawford of Columbia	Luckie	Sledge
Crawford of Hancock	Martin	Smith
Davies	Maxwell	Thomas
Denmark	McDougald	Tillman
Ezzard	McTyre	Walthour
Gamble	Miller	Wimberly
Groves	Moncrief	Worthy

Those in the negative are Messrs.

Alexander	Coffee	Powell
Anderson	Dunagen	Remson
Blackstone	Fullwood	Sellers
Blair of Habersham	Hawthorn	Swain
Blair of Lowndes	Hendrick	Tennille
Campbell	Porter	Wilson
Cochran		

The senate took up and agreed to the report of the committee to whom was referred the reports of the several county Academies, which is as follows :

The Committee to whom was referred the reports of the several County Academies, have had the same under consideration, and **REPORT—**

That these reports present a condition creditable to the patrons of those Institutions, and flattering to the future reputation of the literature of the State.

But from the most attentive examination, they have been unable to arrive at any satisfactory conclusion, to what extent and proficiency classical education has been taught in these Institutions—This branch of literature is so necessary in all systems of juvenile instruction, that few persons in modern days have attained intellectual eminence, whose minds have not received this training.

There are many, however, emboldened by perhaps a licentious spirit of inquiry which has distinguished other countries, and from which we are not exempt, have questioned its utility in



the education of youth, and rank the practice among the instances in which custom, the offspring of circumstances, accidental and temporary, has triumphed over the plainest dictates of reason.

The history of classical literature is not without its colour of approval to this opinion. The estimation in which this branch of letters has been held, and the ardour with which it has been pursued in modern days, may perhaps be ascribed to causes accidental and temporary; and if the committee can be pardoned the seeming profanation, they would consider these accidental and temporary causes the signal interposition of Divine Providence, to rescue mankind from that Gothic ignorance and barbarity which so rapidly increased and benighted the human mind, from the decline and fall of the Roman Empire to the revival of letters in the fifteenth century. An examination of these causes is deemed unnecessary; they are facts of historical record, and within reach of every industrious enquirer. The arguments urged against the practice of making the study of the ancient classics a necessary part of education, are the following, viz: It is urged, the time a boy employs in acquiring a knowledge of words, as they style the study of the Latin and Greek languages, may be more profitably spent in getting a knowledge of things; notwithstanding his young and tender mind may not be qualified to enter on intricate and abstruse studies, it is able to receive and retain a variety of information that would be useful to him in future life; that in learning a language, it is the memory that is chiefly exercised, and that this useful faculty may be as easily filled with important facts, as condemned to retain a jumble of foreign words, together with the various rules and exceptions under which they have been placed by grammarians. That Geography, Chronology, Natural History, and works of imagination, may be employed by the instructor to give equal exercise to the memory, and by the greater pleasure they would afford to the pupil, as well as his more perfect understanding of them, they would both improve his other faculties and add to his stock of useful knowledge, and that time would be saved in learning, during childhood, much that must be learnt some time or other. In these arguments it is assumed as granted, that in the study of the classics, the memory is the only faculty improved. It seems to the committee, that in studying the ancient languages, all the faculties of the mind are actively exercised, and that in this exercise consists the chief advantage of classical education.

If genius consist in the degree of excellence, attained by all the great faculties of invention, judgment, memory and taste, that system of education must be best, which is most likely to give these the utmost degree of improvement of which they are susceptible. These faculties, scarcely perceptible in the mind

the infant, are gradually developed as the body increases in size and strength; they do not appear at the same time, nor is their progress the same. The memory is in perfection when invention is hardly discerned, and the judgment continues to improve long after the memory is on the decline—hence the discipline which is adapted to one faculty does not necessarily suit another; now, as by a general law of our nature, every function and power of our body or mind is invigorated by exercise, it would be the object of education to afford to all the faculties that degree of exercise which is essential to their pliancy and strength, and this purpose seems to be effectually answered by the discipline of the Grammar School. An analysis of a boy's mind, in translating from an ancient language into his own, will render this the more obvious.

In ascertaining the import of such foreign words and phrases which he does not understand, when he has consulted his dictionary, he often finds them interpreted by numerous English words and phrases, essentially different from one another; in selecting out of this variety that which will best express the meaning of his author, he must weigh, compare and discriminate; and in this employment his judgment is exercised and matured; when the dictionary refuses to afford him the aid he solicits, in his exertions after the suitable and analogous expression, invention and fancy are brought into action. To find out the proper order in which the words are to be arranged in the translation, he must seek that one of the numerous rules of Syntax which alone is applicable; and hence arises the habit of *abstraction*.

When the meaning is ascertained, in selecting from the several synonymous expressions that which is happiest and best, his taste is obviously cultivated and improved.—In short, the whole business of translating a classic author consists in an unremitted exercise of the mental faculties; in perceiving the resemblances and differences of what he observes, remembers or imagines, and so long as they are exercised can he make any progress.—The translation from his own language into Latin and Greek, affords similar advantages to the student, with this difference—that it seems to improve his invention and sagacity more, his judgment and taste less, and is less complete in itself. Memory, it is universally admitted, is sufficiently cultivated in learning the classics.

If we compare the classical with other juvenile studies, it will be found that none will afford the same continued and varied exercise; in Geography, Chronology, and such branches of Natural History as can be learnt from books, the active powers of the mind are suspended, and the memory alone is exercised. In the study of our own language, as it is ordinarily taught, the mind is nearly as passive; in the study of Mathematics, the reasoning powers are vigorously and profitably exercised; but they

are dormant as to all other relations but number and quantity. In Physics, some useful knowledge may be acquired, and the talent of observation improved, but the reasoning faculties are little exercised, and those of imagination still less; the consequence of this inherent diversity is, that some minds succeed in one study and some in another, as each cultivates the faculty in which it happens to excel; and hence it is that a proficiency in classical learning, which requires and implies the improvement of the faculties of the mind, is more uniformly an evidence of genius, and gives a surer presage of intellectual strength, than any other single acquirement.

During the years of tuition the knowledge of men and things must necessarily be very limited. Nothing but the actual perception of what passes in his own heart and mind, or his observation of the actions of others, and the undefinable and ever-varying occurrences of life, can impart to man knowledge that may be either useful or accurate; and every attempt to supply the place of experience will prove inadequate and fallacious. Since knowledge cannot be imparted during youth, it is desirable to improve the future means of acquiring it; and even if it could be imparted, it would be better to get talents than information, as every one would prefer the ability of writing a poem to that of remembering it, and be prouder of the skill of a painter than to possess some of his pictures. If we examine the list of illustrious names which have figured on the theatre of government, physics, or letters, in England or in our own country, we shall scarcely meet with one who has not received a classical education; when we find that those whose minds have been thus trained are generally superior in intellectual powers to those who have received a different training, and that those who have been distinguished for the productions of genius, agree in nothing more than this mode of instruction; it seems to lead irresistably to the conclusion that such mode is superior in improving the intellects. Some distinguished examples may be cited in our own country of men who exhibit strong and vigorous minds without the benefits of classical education; but it will be found generally that such men have had their efforts concentrated on a single pursuit, that they have manifested only great reasoning power in a single department of science. Similar but not equal advantages are to be obtained by the study of modern languages. There is so much resemblance among all improved modern languages as to the origin of their words, the small number of their inflections and variations, and the greater number of their particles, that they are learnt with far greater facility than the ancient languages, and consequently they afford less exercise and improvement to the mental faculties; as a proof of this, it requires commonly not more months to acquire a Modern European language, than it does years to acquire a proficiency in Latin.

Greek, and he who has once mastered these languages, finds the acquisition of all others easy.

The study of modern languages is not to be regarded as profitless and unnecessary ; our sister States have deemed it an essential and important part of juvenile instruction ; a proficiency in modern classical literature is viewed not only as an ornament to the mind, but obviously useful in our varied commercial and political intercourse with foreign nations.

With this view of classical learning, it is a source of melancholy regret that so little care should be bestowed by the patrons of our Academies on this important part of juvenile education. More deplorable is the apparent want of munificence on the part of the Legislature, the assumed guardians of the literary character of the State. With an extent of territory equalled by but few of none of our sister States, with sources of revenue none other than we possess, with a climate mild, though varied, and congenial to the expansion of human intellect ; the Legislature hitherto has refused even a temporary endowment for a professorship of modern languages, and also moral and mental philosophy, for the University.

When we compare the literary character of Georgia now, with what it might have been ; when we contrast it with many of our sister States, the votary to science will blush, indeed, at the apathy and indifference to intellectual advancement which have hitherto obscured it. When we see our sister States of the North and East so wonderfully and efficiently uniting capital and intellect for our humiliation and ruin, will Georgia spurn the means which can avert and arrest the approaching triumph and consequent dependence ? Will she longer remain supine and in cold-hearted indifference, and see these means wrested from her, which can not only ensure her preservation, but raise her to pre-eminence and distinction ? These truths, obvious and incontrovertible, it is hoped will awaken the guardians of the literature of the State to a sense of our literary degradation, and induce a future appropriation from the funds arising from the sale of public lands, for the permanent endowment of the different professorships, which may enable us to sustain, protect and advance our literary and scientific character.

The Committee recommend the following resolutions :

*Resolved*, That the Justices of the Inferior Court and the Trustees of the poor school fund of each county, make to the Grand Juries in the ensuing year, returns of the disbursements of the funds since December, 1825, together with a particular statement of the number of children instructed, their ages, sex, and mode of instruction pursued, and the persons employed as Teachers, and that the said returns be forwarded by the Clerk of



The Senate took up and agreed to the report of the Joint Committee on Agriculture and Internal Improvement, which is as follows :

The Joint Committee on Agriculture and Internal Improvement of the State of Georgia, ask leave to report in the terms following :

That as several references have been already noticed, in particular instances, there only remain the following subjects at present entrusted to their charge, at all deemed worthy the attention of the Legislature.

1st. As to the present and actual condition of the several Rivers in this State—the documents in the public offices of the different periods—the reports of the commissioners thereupon ; and the benefits resulting at this time from the system pursued—All of them shew that the plans hitherto adopted have been without any result, either beneficial, or even encouraging ; for the cause must lie either in the appropriation of the means for the improvement of these streams being too limited, or else, in the application of them hitherto followed by persons engaged to superintend the same. And it is well known, that no improper parsimony is attributable on this head, to the Legislature of Georgia ; equally well known, that the fault is to be ascribed, generally speaking, to the want of personal interest, knowledge of, and practical acquaintance, with this particular subject by the Commissioners ; and also, to the want of some common head to counsel, direct, and control their operations, in their different districts, and according to their several exigencies.

Your Committee would therefore strenuously insist upon the necessity of constituting a Board of Internal Improvement, according to the provisions of a bill now in progress through the Legislature. In fact, it might be stated generally, that the actual condition of our navigable streams, and even of our principal market roads, is such, as without exaggeration, would cause in some countries, an insurance upon life, or property, or both, to be effected on them. To say the whole, the public spirit in the greater portion of the counties is so feeble, and the state of their several roads is such, as to deprive this committee of a hope, that even any thing serious is intended in reference to Internal Improvement, it appearing impossible that a member from one section of the State, can sufficiently divest himself of local prejudice, to legislate as well for the whole and the entire interest of our common country, as for the little part that each of us may happen to live in ;—and it is the more remarkable, when we reflect upon the nature of the oath taken by each member of the Legislature, that he will as a Senator or a Representative, so give his vote and so conduct himself on all questions that may happen to come before him, as in his judgment may appear conducive to the interest of the whole State of Georgia, without allusion to the particular county from which he may have been chosen. In more particular reference to this matter, the Committee would beg leave to take a particular notice of the Savannah river, being the oldest stream used in this State as a navigable water, and consequently the more frequent object of experiment, and one of the best calculated to test all

speculation on the several subjects which have been referred to this Committee by your honorable body ; and what is stated in the succeeding paragraphs will be found more or less applicable to all the navigable streams of the State of Georgia.

Speaking then of the Savannah river as an indication of the condition of the other public waters of this State, that it is a subject of much and general inconvenience to the whole of our citizens, one way or the other—your committee are of opinion, that the trade between the cities of Savannah and Augusta, affords the case in point ; not only because of the needful despatch so necessary to commerce of every kind—but also, because of the additional expense incurred, both in the transportation of produce down the river and intended for foreign parts, and in the transportation of imports to their respective places of destination. For the several articles of import sent as they are to meet and answer our articles for export, must at last be paid to the full extent—(first cost, ordinary commissions and the duty) by the *consumers*. And with regard to the extraordinary expense that the growers of produce sustain by the present state of the roads, the committee beg leave to draw your attention to the following remarks in Mr. Fulton's Report of last year, (page 52.)

“ Whatever facilities are afforded to a State by improvement, beyond what it possessed in transporting its produce to market, is so much labor or money saved to that State ; for the article of cotton, for instance, will bring as great a price in a foreign market when more cheaply transported in that State, as it would have done if those improvements had never existed. Hence it becomes obvious that whatever saving takes place, goes into the pockets of the *growers*, and not into those of the consumer.” These circumstances render it all important to the agricultural portion of this community, that the freight to and fro, should be as light as possible, and moreover, that all additional increase of expense upon the first cost should be spared to our people. It is also the opinion of your committee, that the several bars in the Savannah and other rivers may arise from the second cause mentioned in the Engineer's Report. They are of opinion that a geological change is constantly taking place in the beds of these rivers, from the manner of cultivation pursued by holders of land upon the margins of our principal navigable streams ; and that no other proper remedy can be applied, but that of dredging or excavating the soil, which may have so accumulated, and of confining the current to some channel recommended by some scientific and practical Engineer, and according to the mode prescribed by him ; and would refer to the Documents accompanying this Report, marked A. and B. Your Committee also beg leave to state, that Georgia, from the wide extent of its territory, its variety, and large proportion of fertile soil, congenial climate, commodious harbors, and navigable streams, possesses advantages inferior to few or none of the sections of our common country. It is therefore our duty as Representatives of our State, to look to any plan or mode of affording any facility to its improvement which the hand of nature might seem to require, and to call the attention of our constituents to any subject so well

calculated to advance the ease, comfort, and happiness of the people of Georgia—not only as a member of the human family at present existing, but by reason of its being likewise calculated to advance the ease, the comfort, and the happiness, as well of those unborn, as of those who from one circumstance or other, may chance to come among us; and would beg leave to ask from the Legislature their attention to the following suggestions, from one of our own citizens; whom to know, there would be in the breast of every liberal man, esteem for his worth, respect for his character, and gratitude for the good he has done.

“To the present Legislature, the reflecting people of this State look with no ordinary degree of confidence, for the accomplishment of much, that will for years, give character to her destinies, and brighten her prospects. Among the various measures that will of course occupy its attention, that of Internal Improvement, will doubtless, receive its due share of consideration. Certainly nothing can be more immediately and vitally connected with the prosperity of this country, than a wisely devised system for that purpose. By Internal Improvement, is here intended a sober practicable enterprise, limited in its application to the populated parts of the State; adapted to the wants and convenience of all its citizens, poor as well as wealthy; cautiously graduated to the resources of the State, and to be carried on from year to year, without risk of exhausting the treasury, or hazarding the mischief of augmented taxation.

“Among the causes that have combined in retarding the prosperity of this State, and fertile in pernicious consequences, one is, its destitution of good roads, of cheap, convenient and secure channels, for the conveyance of produce to markets from the interior and remote parts, as this necessarily leads to an oppressive and disproportionate expense, and operates as a discouraging and depressing force on the industry of the country.

“In the existing state of things, the transportation of one cwt. the distance of one hundred miles, taking an average through the year, costs one dollar; of a bale of cotton of the usual weight, three dollars, or from one eighth to one-tenth of its total value. If one hundred bushels of corn were sent that distance, the freight would reach the exorbitant amount of fifty dollars; or the price of 66 bushels, if sold at 75 cents per bushel, which is probably a fair average for the low country market; manifestly precluding the culture of corn in the parts mentioned, except for neighborhood consumption.

“One hundred thousand bales of cotton from the interior of this State, annually seek a market at various points of our sea coast, or at Augusta. The freight of this transportation cannot be rated lower than three hundred thousand dollars per annum. And if all points of the State be included in the estimate, and a fair allowance made at the same price, for the amount of merchandise forwarded inward, the injury inflicted yearly on the agricultural interest of the country, may be seen in its just magnitude and its disastrous consequences become apparent to the dullest understanding.

“While cotton commanded a market at from 12 to 20 cents, the



mischief above noticed, was little regarded; but it acquires a graver character and claims a more serious consideration, when viewed in connexion with the present circumstances and future prosperity of the cotton grower in this country.

"But a few years ago, the Southern States of the Union monopolised the market of Europe for cotton; its culture however, has since been extended over an immense and annually augmenting area, in Asia, Africa and South America. Hence from the operation of causes, resistless in their course as the step of destiny, viz: the vastly increasing production of cotton, and the natural impossibility of that consumption, starting from this time, can keep pace with production; it becomes self evident that the price of that article must find a level still lower than that at which it now stands.

"It is equally plain, that the cost of freight will hold an increasing ratio to the value of produce until that reaches its minimum; and also, that when that charge bears a certain high ratio to the value of production, it compels the planter to direct the whole or a share of his industry to articles less heavily burdened. The corn cultivation of the back country is in this situation.

"In the present state of the business the cotton planter who sends his cotton to a distant market, pays one bale out of 8 or 10 for carriage; but when it shall have sunk to six cents per lb the point at which, from the circumstances of the world, it will probably become stationary; it will then cost him one bale out of every five or six.

"These views and conclusions, without advancing pretensions to minute accuracy, are in the main sound, and although affording no sufficient motive for despondence, they certainly do for serious and salutary reflection; they lead to the conviction, that great and persevering effort is demanded to relieve the industry and capital of the country from the pressure and disadvantages against which they now have to contend.

"If Georgia is to prosper; if she is to retain her present stand; if she is to be preserved from declension, this is indispensable—otherwise much of the wealth and enterprise of our citizens will seek other soils, where their means can be more profitably employed; this evil has, and to no small extent, already happened; indeed, the early adoption of the system recommended, appears to be not so much a measure of mere expedience as of necessity—If it be wisely planned, and skillfully and faithfully executed, it will accomplish all that its advocates promise."

The pecuniary resources of the State that may be considered applicable to works of internal commercial improvement, may be estimated as follows: the amount of Darien money now in the Treasury, and all the money due the State on account of bonds, accounts and other evidences of debt, and all that may arise from the future sale of lands and other public property not otherwise appropriated. In the application of these resources, several separate and distinct considerations present themselves.

1st. The most certain mode of gaining a given quantum of improvement at the least probable expense to the State.

2d. The improvements necessary for the permanent commercial and agricultural prosperity of the State.

3d. The method most likely to attain these improvements, and consequent benefits.

4th. The necessity of making this method a permanent appendage of the government.

The first of these considerations presents these points ; contracts, hired labor, and slave labor ; contracts hitherto made in this State with individuals, have uniformly been attended with disaster and defeat ; it is now deemed almost a licentious use of the public Treasury to place it in the hands of any contractor, unless he will submit to a constant and responsible supervision of his labor, which destroys the very object of all such engagements. Hired labor is objectionable from its uncertainty and expensiveness ; uncertain from the constant liability to desertion and forfeiture of their obligation by those who can be induced to be thus employed ; expensive from the enormous price demanded by that class of our population, whose labor can be thus obtained under the necessary restrictions to ensure a fulfilment of their promise. It is demonstrable that such laborers cannot be procured at a less price than one dollar per day ; this price, suppose two hundred laborers were employed, would amount to upwards of sixty thousand dollars per annum ; a sum almost or quite equal to what that number of slaves would cost. Admit for argument—and to make the comparison they cost eighty thousand dollars, twenty thousand would clothe, subsist and effect, a life insurance at 4 per cent. and allow the legal interest on the capital vested ; the expense would then be as twenty is to sixty, or clear gain to the State of forty thousand dollars in favor of slave labor ; this computation is not idle conjecture, but is accurately made and is in perfect accordance with the clothing and subsistence of the United States' soldiers.

The Committee are aware of the objections that may be urged to the introduction of so large a number of slaves into the State without any regard to character ; these objections and fears are more imaginary than real, when it is considered from the nature of their employment, they will have to be divided into a number of small parcels and superintended by vigilant overseers, and moreover, that there are many persons in the State, who employ an equal or greater number of slaves daily on their plantations without any other immoral or disastrous incidents than are common to this peculiar class of our population, however isolated.

2d. The improvements necessary for the permanent prosperity of the State are natural and artificial.

3d. Natural improvement consists in removing logs, snags, roots, sand bars and other impediments, to the free navigation of the several rivers in the State, and confining the water in the main channel, so as to afford boatable water at all seasons of the year. These improvements are deemed of primary importance, for on the certainty and permanency of this water transportation will depend the value and utility of artificial improvements ; these are, canals, rail roads, and turnpikes, and are to be selected with a due regard to economy and facility afforded. Assuming the estimates of Mr. Fulton, the Civil Engineer,

One mile of canal will cost

\$10,768

Annual expenses, including interest,

1,439

Making the sum of	\$12 20 $\frac{1}{2}$
Transportation of one ton for twenty miles, would be \$1 11 cts.	
Wooden rail roads with iron plates, as is proved by the experiments made in Pennsylvania at Mauch Chaunk, will cost per mile	\$2500
Annual expenses, including interest,	90 $\frac{1}{2}$
	<hr/>

Making the sum of \$3,40 $\frac{1}{2}$

Transportation of one ton 20 miles, 61 1-4 cents, making a difference of 39 3-4 cts. per ton for every 20 miles in favor of the rail road—See Mr. Fulton's report for last year, page 29

The committee are aware of the difference in durability of the two modes of improvements, but it is confidently believed, that under all the circumstances, that rail roads will be found the most practicable and useful, at least for the middle and up country.—

When it is known that by the process of charring, as simple as it is easy, the durability of timber can be increased almost to half a century; a wooden rail road with iron plates, the timbers well coated with linseed oil and common glue, and then covered with newly made and finely powdered charcoal, would remain sound and firm for upwards of thirty years.

The committee are supported in their position, by an experiment actually made in Lincolnshire, in England, where the posts prepared in the manner before prescribed, have remained under water for twenty years, without the wood becoming the least moistened.

This experiment seems so conclusive and so much to the point, that the committee beg leave to recommend it seriously to the consideration of the superintending authority for the Internal Improvement. Turnpike roads are so little known in this State, that the committee have no satisfactory data by which they can estimate their comparative advantages. From an estimate furnished by the Civil Engineer, the cost would be sixteen hundred dollars per mile in the sections of country most favorable for their construction.— [Confirmation of this estimate, your committee refer you to Documents, C. and D.] In many parts of the State they would be impracticable from want of materials, or constructed at such an enormous price as to make it unwise to attempt them.

The committee are aware of the argument that may be urged in opposition to any general system of Internal Improvement, that the farmer can transport his own commodities to market in his own waggon.

This argument, more specious than true, will be refuted on the slightest examination, if the price of transportation be in proportion to the capital and time employed, and that it is so, surely no one will question; then certainly the loss is equal, whether we convey our cotton to market in our own waggons, or engage those of our neighbor. In addition to this, it will lessen the number of horses in our country; one of the most expensive appendages of a plantation. The committee are unwilling to leave this subject, without adverting to the immense amount lost to the citizens annually, by the present system of transportation. Assuming as the fact, (and it is far short of truth) that three hundred thousand dollars are expended annually for the transportation of the products of the coun-

try market ; that of return merchandise may be safely estimated at two hundred thousand more—making a total of expenditure incurred for carriage on the existing plan, of five hundred thousand dollars. By rail road conveyance, it would not exceed one hundred thousand dollars—Thus realising an absolute increase of wealth to the country, equal to four hundred thousand dollars.

4th. The plan most likely to attain these objects, will consist in a well organised Board of Public Improvement ; to this Board should be intrusted the disbursement and disposal of all money that is now, or may be hereafter appropriated for the Internal Improvement of the State. They should be allowed to keep in their employ a well practised Engineer, with a suitable salary, and as many assistants as in their opinion the public service may require—they should have power to direct the survey of any river or route for a canal or rail road, turnpike, or other roads that may be deemed necessary for the public use and convenience, and may cause the same to be placed in a suitable condition for use, whenever appropriations may be made to enable them to effect it ; and have power to purchase all the necessary implements for perfecting and facilitating the contemplated improvements in the State, which in their judgment may be useful and necessary. The committee are aware that objections may be urged to the organization of a Board with such plenary powers. But when it is considered, they have the control only of the funds appropriated for Internal Improvement, these objections lose their force, and the intelligence of the Legislature can but conclude, that it is much safer to trust their Internal Improvement funds to persons, however few in number, who are personally known to them, who have been selected from the great body of their fellow-citizens, for their talents, zeal, fidelity and discretion, and who are annually accountable to them for the faithful performance of their trust, than to persons known only by name, owing no responsibility, who may have been selected more from favoritism than any manifestation of ability or desire to serve them, or to persons who may seek such appointments, more from a hope of personal aggrandisement, than regard for the common weal.

With these conclusions, the committee cannot see any good and valid reason why a Board of Commissioners for Internal Improvement should not be made, and become a permanent part of the Government. If precedent be sought, it will be found in all of our sister States who have made advancement in practical improvements for facilitating transportation from the interior of their respective territories.

The General Government have deemed the organization of such Board indispensable to the success of any enterprise for facilitating interior transportation. If we wish for proof that the plans hitherto adopted are inadequate and fallacious, we need only turn to our rivers, where thousands have been expended, and the result disappointment and vexation. When united with and made a constituent part of the Government, it will rest on the same responsibility with every other department ; a responsibility which we have hitherto so much cherished ; which is the beauty and ornament of our republic ; and, so long as it is well observed, will be a sure presage of its durability.

The committee, in conclusion, beg leave to advert to the highly endowed and accomplished individual who has been engaged as Civil Engineer, and has signified his intention to withdraw from the service of the State.

The zeal, industry and ability with which he has, in every instance, imparted information on the various intricate and complex subjects which have been submitted to their consideration, entitle him to our decided approbation.

Born and educated in a foreign country, he has become a citizen of the United States, not without the most earnest solicitations and solemn pledges to afford him a means of subsistence for himself and family, equal to and commensurate with the important services that would be required of him, and which he has at all times shewed himself able and ready to bestow. With a mind of great capacity, and highly replete with the most useful and practical skill in his department, he would constitute an efficient arm to the Executive of any Government, and his loss will be an occurrence long to be deplored by Georgia in her present exigency. The committee beg leave to recommend the adoption of the following resolution :

*Resolved*, That the passage of the bill now in progress in the senate, for the permanent establishment of a Board of Commissioners for Internal Improvement, with a clause allowing an adequate allowance to a well practised Engineer, and such other assistants as the public service may require, is the best system which presents itself for the promotion of the future commercial and agricultural prosperity of the State.

The following message was received from the house of representatives by Mr Dawson their clerk :

*Mr. President—*

The House of Representatives have passed the following bills, of Senate, to wit—

A bill to sell and dispose of the unsold lots in the town of Macon, and the public lands on the east and west side of the Ocmulgee river near and adjoining said town, and also the Bridge across the Ocmulgee river at Macon, with amendment.

A bill to create and define a new division of militia, and the two brigades which shall form the same, in the territory lately acquired from the Greek Indians, lying between the Flint and Chatahoochee rivers and west of the Chatahoochee river.

A bill to incorporate Rock Spring Academy, and to appoint trustees for the same.

A bill to authorise William Trice of Upson county to erect and make permanent a ferry across Flint river, at the place formerly known by the name of Smutli's ferry.

A bill to authorise Obediah C. Gibson of the county of Warren to plead and practice law in the several courts of law and equity in this State.

A bill to incorporate the Augusta Library Society.

A bill to lay out a town on the reserve at the Coweta Falls on the Chatahoochee river, and to dispose of the same, and name said town.

And they have passed a bill of the house to be entitled an act to divide a part of the county of Dooly to the county of Lee.

The senate took up so much of the message as relates to the bill disposing of lots in Macon, &c. and concurred in the amendments of the house thereto.

The hon. senator from Camden had leave of absence after Friday next for the remainder of the session.

The senate adjourned until half past 3 o'clock this evening.

Half past 3 o'clock, Wednesday Evening, Dec. 19, 1825.

Mr Swain, from the committee to whom was referred the petition of Amer Chapman, Reported—

That they have had the same under consideration, and from the evidence in support of said petition, do not think the same reasonable, and therefore neg to be relieved from the further consideration thereof,

Which was read and agreed to.

The senators from Eatonall, Houston and Lincoln had leave of absence for the remainder of the session after Saturday next.

The report of the joint committee on Banks, of the 30th ultimo, was ordered to lie on the table the remainder of the session.

The senate took up the report on the petition of Sowell Woolfolk and John Wimberly of the 11th inst.

And on motion to agree thereto, the yeas and nays being required, it was determined in the negative.

The yeas are 29—the nays are 34.

Those in the affirmative are Messrs.

Baber	Hoxey	Munroe
Brown of Monroe	Janes	Phillips
Burton	Jordan	Ryalls
Campbell	Lawson	Scarborough
Clayton of Clark	Leonard	Sledge
Crawford of Columbia	Luckie	Smith
Crawford of Hancock	Maxwell	Tillman
Ezzard	McDugald	Williams
Gamble	McTyre	Wimberly
Holloway	Moncrief	

Those in the negative, are Messrs.

Alexander	Cargille	Groves
Allen	Cochran	Harris
Anderson	Cosby	Hawthorn
Beall	Davies	Hendrick
Blackstone	Denmark	Miller
Cair of Habersham	Dunagen	Moore
Cair of Lowndes	Fulwood	Powell

Scarlet  
Sellers  
Spann  
Swain

Tennille  
Thomas  
Waldhour

Wilson  
Wooten  
Worthy

A message was received from the house of representatives by Mr. Dawson their clerk, informing the senate that

The house of representatives had passed the bill to incorporate the Augusta Insurance and Banking Company of the city of Augusta, and to repeal the act passed on the 9<sup>th</sup> December, 1822,

And that they had passed a bill to appropriate monies for the political year 1828.

Which were read the first time.

The senate took up the report of the committee on the proposition of the Ogeechee Navigation Company, which is as follows :

The committee to whom was referred the proposition of the Ogeechee Navigation Company, offering to surrender to the State of Georgia, upon certain terms, its charter to navigate that stream,  
**REPORT—**

That they have had the same under consideration, and are of the opinion that the proposition submitted by the Board of that Company is reasonable, and ought to be acceded to by the Legislature; that the committee can see no reason why the citizens of the State, residing up and near that river, should not equally share the bounty and liberality of the Legislature with the other citizens of the State; that they equally bear all the burthens of the Government, without murmur or complaint, and have the same undoubted right to share equally all the benefits resulting therefrom. The committee believe that the persons residing upon and near that river have good cause of complaint, because it is the only navigable river in the State upon which a toll is assessed, and the only one to which the State has not extended its fostering hand. The Legislature has been liberal in its appropriations to other navigable rivers; of this, abstractedly considered, the committee believe the said persons do not complain, but when they take into consideration the fact, that those persons pay the same taxes as the other citizens of the State, and whilst they see the money thus raised appropriated to other rivers, building bridges, &c. in parts of the State remote from them, and from which they can derive no possible benefit, during all which time the Legislature has never appropriated one cent to the improvement of the Ogeechee river, but have stood entirely aloof from the same, the committee cannot but express the opinion, that there is ample cause of complaint, and that the interests of that part of the community hitherto have, for some cause unknown to this committee, been disregarded by the Legislature, and which now imposes upon it the stronger obligations to accede to the proposition now made.

The committee therefore recommend the adoption of the following resolutions :

*Resolved by the General Assembly, That the citizens of this State*

residing upon and near the river Ogeechee, have the same rights with all the other citizens of the State, to the bounty and liberality of the Legislature, and that the river Ogeechee should be placed upon a footing with the other navigable rivers of the State; that it should be a common highway for the transportation of produce and commerce, with no toll, tax or tribute.

*And be it further resolved,* That the Legislature will, and does hereby, accept and accede to the propositions of the said Ogeechee Navigation Company, to relinquish its charter to the State, upon being reimbursed the sum expended by them in clearing out the said river.

*And be it further resolved* That the Treasurer of the State and Comptroller General, together with some third person to be appointed by the Governor, shall constitute a committee to examine and ascertain the amount of money which has been properly disbursed, and the debts contracted by the said company in clearing out the said river, together with the names of all the stockholders, as well as the names of persons to whom the said company are indebted, and which said committee shall report the same to the Governor, after which he shall be authorised to receive from the said company a relinquishment of their charter to the State.

*And be it resolved,* That immediately after the said relinquishment shall have been received, that the Governor shall appoint an agent to pay off the said stockholders, and the said persons to whom the company are indebted, the amounts to which they may be respectively entitled, and the Governor shall also draw a warrant in favor of such agent upon the Treasurer, for the amount that may be necessary to pay the said claim, provided the same does not exceed the sum of ten thousand dollars.

*And be it further resolved,* That the said agent, before he enters on the duties of his office, shall give good and sufficient security to the Governor, in double the amount of the money he may draw, to execute his trust faithfully, and who, for his said services, shall be paid such reasonable compensation as the Governor may deem him entitled to,

Which was read. On motion to agree thereto, it was determined in the negative.

Mr. Scarlett, from the committee on Enrollment, reported as duly enrolled and signed by the Speaker of the house of representatives,

An act to incorporate Cicero Academy in Monroe county.

An act to appoint trustees for the poor school fund in the county of Irwin.

An act to authorise and empower James Turrentine of Pike county to establish a ferry across Flint river.

An act to establish an additional election district in the county of Jefferson.

An act to lay off the county of Jackson into school districts, and to vest the free school and academy funds in certain commissioners to be appointed for said districts, and to incorporate the same.

An act to incorporate the Washington Academy in the county of Gwinnett, and to appoint trustees for the same.



An act to authorise John Rushin to establish a ferry across Flint river upon his own lands.

An act to authorise the commissioners of the Washington county academy to raise by lottery the sum of ten thousand dollars, for the promotion of said academy.

An act to appoint commissioners to select the site of the public buildings for the county of Irwin, and to make permanent the same.

An act to compel the clerks of the Superior and Inferior courts of the county of Ware to keep their offices at or within one mile of the court-house of said county.

An act to establish an additional election district in the county of Habersham.

An act to incorporate the Savannah Steam Rice-mill company.

An act to alter and amend the road law of this State, so far as respects the counties of Burke and Laurens.

An act to authorise the Justices of the Inferior court of Habersham county to remit a fine incurred by James Gaddis.

An act to separate and divorce David Caudle and Rebecca Caudle his wife.

An act to authorise the Inferior Court of Butts county, to levy an extra tax for county purposes.

An act to separate and divorce Sarah Booth and Wiley Booth her husband.

An act to repeal a part of an act entitled an act to make permanent the site of the public buildings in the county of Fayette at Fayetteville, and to incorporate the same, passed the 20th day of December, 1823, and to amend the said act.

An act to incorporate the Baptist and Presbyterian Churches in the town of Washington, Wilkes county.

An act to repeal an act entitled an act to add that part of the funds heretofore set apart for the support of county academies to the poor school funds, so far as respects the county of Rabun, passed the 27th of December, 1826, and to appoint commissioners for the purpose of applying the poor school and academy funds of said county.

An act to authorise an additional volunteer company of riflemen in the county of Hall.

An act to change the name of Sarah Tanner to that of Sarah Brown; and to establish her in all the rights of one born in lawful wedlock.

An act to reduce the amount of the Sheriffs' bonds in this State so far as respects the county of Ware.

An act to incorporate the Presbyterian Church in the town of Lexington.

An act to alter and amend an act entitled an act to alter the time of holding the elections for county officers in this State, passed the 16th of December, 1811, so far as respects the counties of Henry and DeKalb.

An act to amend the road laws, so far as respects the county of Chatham.

An act to establish an additional place of holding elections in the county of Tattnall.

An act to compel all persons who do or may hereafter own self,

ded plantations and negroes in the county of Bryan, to make their tax returns annually in said county.

An act to amend an act entitled an act to incorporate Philomathia Academy, and to appoint other commissioners therein named.

An act to incorporate the Locust Grove Academy in Warren county, and to appoint trustees for the same.

An act to authorise the next receiver of tax returns for the county of Thomas to receive the tax returns of the citizens of said county, or any other person whose taxes are due the State prior to the year 1827, and to make it the duty of the collector of taxes for the county of Thomas to collect the said taxes.

Which were presented to, and signed by the President of Senate.  
Ordered, that the committee on Enrollment carry said acts to his excellency the governor for his approval.

Mr. Swain, from the committee to whom was referred the petition of sundry persons of Columbia county, in favor of Peter Knox, requesting the legislature of this State to purchase the patent right held by Peter Knox, to propel a cotton gin by a perpendicular spur wheel, Reported—

That they have had the same under consideration, and think the petition unreasonable, unjust, and by no means consider the purchase of the patent right conducive to the interest of the State,

Which was read and agreed to.

The report of the joint Printing committee was directed to lie on the table till called up.

The report of the committee on the petition of John Richardson of Washington county was taken up and agreed to.

The reconsidered report of the committee on Finance on the petition of Eliza Mackey was taken up and agreed to.

The senate took up, amended and agreed to the report of the committee on Finance of the 5th inst. on the Governor's communication on the subject of the unsettled business between the State of Georgia and the late maj. Elisha Wood, dead.

The senate took up and agreed to a resolution of the 5th inst. appointing commissioners of the Brunswick canal company in the place of persons resigned.

The senate took up and agreed to a resolution of the 14th inst. fixing the per cent. on collections made by the State's Agent at Macon.

The senate took up and agreed to the report of the committee on the petition of George B. Whitfield, of the 8th inst. requiring the commissioner having control of executions against him to stay further proceedings till 1st January, 1829.

The senate took up and agreed to the following report and resolutions:

The principal objection to the Penitentiary system is its expensae. Notwithstanding it has nearly supported itself, yet it is worth the enquiry, to ascertain whether a change of its laboring operations would not completely obviate the above objection. The success of all manufacturing institutions depends upon the cheapness of labor and

provisions, and in this regard, none can have the advantage of the Penitentiary system. What then can be the reason, that such an efficient force, costing the State nothing, clad and provided at so cheap a rate, cannot be made productive? In the Northern States far less efficient labor, hired and supported by undertakers, is made extremely profitable. It must be owing to the kind of employment and the price of the raw materials. It will be found perhaps, that the true cause of the failure of the institution to realize expenses, is owing

1st. To the want of a market for the different articles fabricated in the institution—they are only suited for a small circle around it, and are consequently made in such abundance as to overgo the consumption.

2d. Too many of the fabricks are articles of luxury, such as carriages, fine chairs, &c. &c. and are therefore limited to the wealth of the country, and excluding from the market a large proportion of purchasers from the middle and lower classes of society.

3dly. There is not, under the present system of operations, enough of what is called labor-saving machinery. With such a force as is at present in the Penitentiary, and with employment in which machinery could be used, it could be multiplied tenfold, and consequently be made ten times more productive.

4th. The employments are such as to require some skill, and from the nature of the institution, half of its time must be taken up in imparting this skill, and during all that time there must be a direct hindrance and expense.

5thly. The raw materials are of greater variety and higher price than is necessary for such an establishment, and being of greater variety, are liable to waste.

There are other causes of minor importance which at present need not be mentioned, but it must be obvious to all, that any change of employment that would *widen* the market and increase the consumption for its articles, that would extend and bring its fabrick within the reach of a greater number of consumers, that would increase its force by the use of labor-saving machinery, that would require less skill in its operations, and fewer and cheaper raw materials to fabricate, must inevitably render the institution more productive.

It is respectfully suggested then, whether all these objects could not be attained by converting the institution into a *Cotton and Woollen Manufactory*, to which might be added the manufacture of *Cotton Bagging*.

It does not comport with the object hereby intended to go into discussion of the advantages promised by such a change. It must strike the mind with some force, that an institution of this kind, with the means so ample and cheap for carrying it into successful operation if conducted with proper energy and skill, is better calculated to defeat a certain system about to be imposed upon the South than any perhaps that could be devised. One of the raw materials, to wit, Cotton, is at our very door, and of course would come cheaper to us than any other manufactory in the United States. The other two it is presumed could be obtained, as cheap by us as by other

and it might by the means of introducing among us the cultivation of hemp and the growing of wool, objects that would highly aid the great staple of the country in augmenting the wealth and resources of the State.

If coarse or fine cloths could be manufactured and sold at any thing like their present prices, they could be protected by taxes so as to give them a decided preference in the State, and this could be done where the excise is universal and upon all fabricks made out of the State. A partial tax is all that has been denied us—even the Federal Court has determined that States may tax their own citizens in the use or possession of any property, if the tax is general and equal.

Under this short view of the subject,

*Resolved*, That the Keeper of the Penitentiary, under the advice and direction of his Excellency the Governor, prepare and lay before the next Legislature for its consideration, a report on the expediency of converting the effective labor of the Penitentiary into an institution for the manufacture of Cotton and Woollen fabricks and Cotton Bagging, and to this end, that he be requested to obtain, by correspondence with such sources of information as may be relied upon, all the important facts necessary to the effectuation of such plan, particularly as relates to the quantity and quality, kind and price of such machinery as may be requisite for the institution, and in fine, whatsoever may be useful to enable the Legislature to make a just comparison between the present and proposed system of employment for the laboring force of the Penitentiary.

The Senate adjourned until to-morrow morning half past nine o'clock.

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THURSDAY, 20th Dec. 1827.

On motion of Mr McDougald,

The senate reconsidered so much of their journal of yesterday as relates to the disagreement of senate in the report and resolutions in favor of Sowell Woolfolk and John Wimberly.

On motion of Mr. Anderson,

The senate took up his resolution of the 18th inst. relative to the claims of Gen. Andrew Jackson to the Presidency,

When, on motion to lay it on the table for the present, the yeas and nays being required thereon, it was determined in the affirmative. The yeas are 36—the nays are 31.

Those in the affirmative are Messrs.

Allen	Crawford of Hancock	Janes
Baber	Davies	Jordan
Brown of Monroe	Ezzard	Lawson
Barton	Gamble	Leonard
Clayton of Clark	Holloway	Luckie
Crawford of Columbia	Hoxey	Martin

Maxwell	Monroe	Sledge
McDougald	Phillips	Thomas
McTyre	Ray	Tiltman
Miller	Ryalls	Walthour
Moncrief	Scarborough	Williams
Moore	Scarlett	Wimberly

Those in the negative are Messrs.

Alexander	Cosby	Powell
Anderson	Denmark	Remson
Beall	Dunagen	Sellers
Blackstone	Gilder	Smith
Blair of Habersham	Groves	Spann
Blair of Lowndes	Harris	Swain
Brown of Camden	Hawthorn	Tennille
Campbell	Hendrick	Wilson
Cargille	Hicks	Wooten
Cochran	Porter	Worthy
Coffee		

A message was received from the house of representatives, by Mr. Dawson their clerk, informing the senate that

The house of representatives had agreed to a resolution, concurring in the nomination by the last legislature of Gen. Andrew Jackson, as the next President of the United States—and have recommended the support of the hon. Wm. H. Crawford as the next Vice President of the United States;

To which they desire the concurrence of the senate.—And

The house of representatives have passed the following bills of Senate, to wit—

A bill to incorporate the Presbyterian Church in the town of Decatur, D. Kalb county, and to appoint trustees for the same.

A bill to appoint additional trustees for the Academy of Jefferson county, &c.

A bill to authorise certain commissioners therein named to establish a lottery, for the purpose of raising the sum of fifteen thousand dollars, to be appropriated to the building of a Masonic Hall in the town of Macon.

A bill to establish and make permanent a ferry across the Chatahoochee river in the county of Gwinnett, at a place known by the name of Gates' ferry, on his own land, and to vest the right thereof in Charles Gates and his heirs, and fix the rates of said ferry.

A bill for the relief of Margaret Smith.

A bill for the relief of the several counties in this State in which the commissioners of the poor school fund shall have failed to make their returns in conformity with law.

A bill for the relief of persons in certain cases who have purchased any part of the State's interest in lots which have been condemned and sold as fraudulently drawn within the counties of Bibb, Houston, &c.

A bill to amend an act to empower the General Court of Pleas,

grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenancy in common in this province, and appointing the method of proceeding therein, passed the 26th of March, 1767.

A bill to authorise James Danlap, of the town of Quincy in the county of Gadsden, Territory of Middle Florida, and Edgar Macon of Tallahassee, to plead and practice law as an attorney, counsellor and solicitor, in the several courts of law and equity in this State.

That they had passed the following bills of the House of Representatives:

A bill to establish and regulate election districts in the counties of Early, Lee and Pike.

A bill to repeal certain road laws now in force in this State, so far as respects the county of Ettingham.

A bill for the appropriation of money for the improvement of the Catahouchee river,

And that they had agreed to a resolution, that both branches of the Legislature will meet in the representative chamber on Thursday next at half past six o'clock, P. M. for the purpose of electing a Major General for the 9th division of the militia of this State, a Brigadier General for the 1st brigade, and a Brigadier General for the 2d brigade of said division, five Directors on the part of the State for the Darien Bank, four for the Bank of the State of Georgia, and two for the Planters' Bank,

To which they desire concurrence.

On motion of Mr. Gamble,

Whereas, in the late land lottery, No. 105 in the 5th district of the county of Carroll was drawn to the name of Charles Boatwright of the county of Burke, and the present Surveyor General, by mistake, has given a plat for lot No. 105 in the 2d district of the said county of Carroll instead of the number aforesaid, whereby the said mistake has been carried into the grant, and the said Charles being desirous of having the said mistake corrected—

*Be it therefore resolved by the Senate and House of Representatives,* That the officers having the custody of the different offices through which the said grant has passed, be requested and required to correct said mistake in the said plat and grant.

The senate took up the reconsidered report on the petition of Sowell Woolfolk and John Wimberly,

And on agreeing thereto, the yeas and nays being required, it was determined in the affirmative.

The yeas are 40—the nays are 24.

Those in the affirmative are, messrs.

Allen	Ezzard	Jordan
Baber	Gamble	Lawson
Blackstone	Harris	Leonard
Brown of Monroe	Hawthorn	Luckie
Burton	Hicks	Martin
Clayton of Clark	Holloway	Maxwell
Crawford of Columbia	Hoxey	McDougald
Crawford of Hancock	Jones	McTear

Miller	Ryalls	Thomas
Moucrief	Scarboro	Tillman
Munroe	Scarlet	Walthou
Phillips	Sledge	Williams
Porter	Smith	Wimberly
Ray		

Those in the negative are Messrs:

Anderson	Cosby	Remson
Beall	Denmark	Sellers
Blair of Habersham	Dunagen	Spain
Blair of Lowndes	Fulwood	Swain
Brown of Camden	Gilder	Tennille
Eargille	Groves	Wilson
Clayton of Pulaski	Hendrick	Wooten
Nochran	Powell	Worthy

On motion of Mr. Baber,

Whereas the commissioners of the Macon Bridge are directed by the act of the 20th Dec. 1834, annually to rent out said bridge for one whole year—but by an act of the present session of the Legislature it is directed that the said bridge be sold—Therefore,

*Resolved*, That the said commissioners are authorised and directed, at the next renting, so to put up said bridge as to rent the same until it shall be sold, and no longer.

*Resolved*, That the present occupants of the houses and tenements on the reserve lands, remain in the peaceable occupancy thereof until the day of sale of the public reserve, on paying a rent per month equal to the twelfth part of the annual rent of last year—and should such sale not take place before the first day of April next, said tenements are to be rented out by the State's Agent as heretofore.

Mr. Allen, from the joint committee on Agriculture and Internal improvement, made a report, which was ordered to lie on the table for the present.

The bill of senate to declare the validity of contracts made by the corporation of the town of Macon,

Was read the second time and ordered for a third reading.

The following bills of the house of representatives were read the second time and ordered for a third reading;

A bill to add a part of the county of Dooly to the county of Lee.

A bill to vest in Felix Lewis and wife all the estate, real and personal, of John W. H. Hobson, dec'd.

A bill to alter and amend the patrol laws, so far as it respects the counties of Laurens, Camden and Pulaski, &c.

A bill for the relief of Eliza T. Baxter.

A bill to regulate the poor school fund for the county of Hancock.

A bill to authorise the city council of Augusta to appoint vendue masters for said city, to prescribe their duties and regulate the form and amount of their bonds, and for other purposes.

A bill regulating the proceedings on bonds taken for the security

**A bill to amend the road laws of Glynn county.**

**A bill to give to masons and carpenters in Richmond and Chatham counties an incumbrance for debts due on account of work done and materials furnished in building and repairing houses, on such houses and the premises to which they may be attached.**

**A bill to alter and fix the time of holding the Superior courts of the county of Gwinnett.**

**A bill authorising the Justices of the Inferior court of the county of Burke to appoint the clerk of the land court of said county.**

**The following bills of the house of representatives were read the second time and ordered for a committee of the whole :**

**A bill to amend and alter the 8th section of the Judiciary act of 1799, so far as regards the service of process by Sheriffs.**

**A bill to alter and amend an act regulating Indian testimony, passed the 20th Dec. 1826**

**A bill to regulate ferriages on the Chatahoochee.**

**A bill to appropriate monies for the political year 1828.**

**A bill to alter and amend the 7th section of the 1st article of the constitution of the State of Georgia, so as to reduce the representation.**

**A bill to regulate the mode of proceeding in contested elections —and**

**A bill to incorporate the Augusta Insurance and Banking Company, of the city of Augusta, and to repeal the act passed on the 9th December, 1802.**

**The bill to amend the several acts regulating Sheriffs' claims in this State,**

**Was ordered for a committee in June next.**

**The following bills of the House of Representatives were read the third time and passed :**

**A bill to authorise the trustees of the Clinton Academy in the county of Jones, to raise by lottery the sum of five thousand dollars, for the benefit of said academy.**

**A bill to authorise Mordecai Shackelford to build and keep up a mill dam across the Alcosauhatchy river on certain conditions.**

**A bill to incorporate the Lafayette Hall Academy in the county of Greene.**

**A bill to authorise the trustees of Meson academy in the county of Oglethorpe, to sell and convey the real estate devised to said institution by Francis Meson, dec'd.**

**A bill to appoint two additional trustees of the poor school fund of the county of Ware, to establish school districts, and to apportion the poor school fund among said districts.**

**A bill for the relief of renters of public property in the counties of Lee, Muscogee, Troup, Coweta and Carroll, and the reserve at the old Agency on Flint river, and renters of public property on the reserve at Macon in the county of Bibb.**

**The bill to sell and dispose of lots Nos. 10 and 100 in the several districts in the counties of Appling and Ware, reserved by the land lottery act of 1818, for the education of poor children,**



Was read the third time, amended by unanimous consent, and passed.

The senate resolved itself into a committee of the whole, Mr. Luckie in the chair, on the bill to amend an act entitled an act to incorporate the Bank of Darien, passed the 15<sup>th</sup> of Dec. 1818, and for the removal of the same.

The president having resumed the chair, Mr. Luckie reported the bill without amendment.

The senate took up the report by sections, and on motion of Mr. Powell, to strike out the first section in the following words—"That from and after the passing of this act, the said Bank shall be removed to the town of Milledgeville; and for this purpose, the Governor shall be, and he is hereby authorized and required to appoint one or more fit and proper persons to repair to Darien, then and there to demand and receive from the Cashier and Directors for the time being, all the capital stock, specie, bonds, notes, bills of other banks, and all the funds, of whatsoever kind, belonging to said bank, notes running to maturity, lying over or in suit excepted, of which a fair list shall be taken by such person or persons, and the funds, bonds, notes, bills, or stock, and list so received, shall be added to the funds, specie, bonds, notes and bills now in and belonging to the Branch of said Bank at Milledgeville, and which, when so added, shall form and become the principal Bank."

The yeas and nays being required, it was determined in the affirmative. The yeas are 39—the nays are 27.

Those in the affirmative, are Messrs.

Alexander	Cosby	Powell
Anderson	Davies	Remson
Baber	Denmark	Scarlet
Blackstone	Dunagen	Sellers
Blair of Habersham	Fulwood	Spann
Blair of Lowndes	Gilder	Swain
Brown of Camden	Groves	Tennille
Burton	Harris	Thomas
Campbell	Hawthorn	Tillman
Cargille	Hendrick	Walthour
Clayton of Pulaski	Hicks	Wilson
Cochran	Maxwell	Wooten
Coffee	Porter	Worthy

Those in the negative are, meessrs.

Allen	Janes	Munroe
Beall	Jordan	Phillips
Brown of Monroe	Leonard	Ray
Clayton of Clark	Luckie	Ryalls
Crawford of Columbia	McDougald	Scarboro
Crawford of Hancock	McTye	Sledge
Ezzard	Miller	Smith
Gamble	Moncrief	Williams
Holloway	Moore	Wimberly

The senate adjourned until half past 3 o'clock this evening.

Thursday Evening, 20th Dec. }  
Half past 3 o'clock.

The senate took up the several messages of the House, and the bills therein contained were read the first time.

The senate concurred in the resolution of the House of Representatives bringing on certain elections this evening at half past six o'clock, by striking out the words "Five Directors on the part of the State for the Darien Bank, five for the Bank of the State of Georgia, and two for the Planters' Bank."

So much of the message as relates to a resolution authorising the Governor to pay the poor school dividend set apart for the county of Scriven to the trustees of the poor school fund of said county, was directed to lie on the table.

The senate concurred in the report of the committee on Agriculture and Internal Improvement, to whom was referred the report of the commissioners for the improvement of the navigation of the Oconee river.

So much of the message as relates to a resolution authorising the Governor to pay to the trustees of the poor school fund of Franklin county, or order, the last year's dividend of that fund, &c. was directed to lie on the table.

On motion of Mr. Gamble,

Whereas, in a grant bearing date on the 10th day of Dec. 1849, to Michael Fisher, for lot No. 29 in the 11th district of the county of Irwin, the Secretary of State, in filling up the grant, by mistake inserted 202 1-2 acres instead of 490, the number of acres really contained in the said tract or lot of land—for remedying of which mistake,

*Be it resolved by the Senate and House of Representatives of the State of Georgia,* That the Secretary of State be and he is hereby required to correct the mistake in the said grant, by erasing the words "two hundred two and an half," and inserting in lieu thereof "four hundred and ninety," being the number of acres contained in the said lot.

The following message was received from the house of representatives by Mr. Dawson their clerk:

Mr. President—

The house of representatives have passed the following bills, to wit:—

A bill to reduce the damages upon bills of exchange drawn on any place beyond the limits of the United States, returned protested for non payment, and to define more precisely the mode of settling the same on the principle of re-exchange.

A bill to regulate slaves and free persons of color in the village of Martha's—

A bill to incorporate the Blakely Academy in the county of Early.

They have agreed to the amendment of senate to the resolution ap-

appropriating two thousand dollars to the repairing and furnishing Government House.

They have concurred in the report of the committee on the petition of Abner Bartlett.

They have concurred, by a constitutional majority, in the report of the committee to whom was referred the Governor's communication on the subject of a proposition made by the Bank of Danbury through their agent, Doctor James Froup.

They have concurred in the resolution requiring the officers having the custody of the offices through which the grant issued Charles Postwright has passed, to correct the mistake in the said grant.

They have passed the following bills of senate, to wit :

A bill to extend the time for fortunate drawers in the land sales of 1818, 1819, and 1821 to take out their grants, and for other purposes.

A bill to give further time to purchasers of fractions, lots or acres, at the late sales of the fractions, to pay for their lands.

A bill to dispose of the residue of lands heretofore reserved for the use of the State.

The senate took up and agreed to so much of the report of committee on Finance of the 1st inst. as is in favor of Benjamin Harris, Solicitor General of the Flint Circuit.

The senate resolved itself into a committee of the whole, Crawford of Columbia in the chair, on the bill to organize the colleges of Merriweather, Froup, Harris, Talbot, Morris and Muscogee.

The President having resumed the chair, Mr Crawford reported the bill with amendment. The Senate took up and agreed to the report. The bill was read the third time and passed.

A message was received from the house of representatives by Dawson their clerk, informing the senate that

The House had agreed to the amendments of senate to their bill on the house bringing on certain elections this evening 6 o'clock.

The following communication was received from the Governor Mr. Pierce his secretary :

Executive Department,  
Dec. 20th, 1827.

The act to compel all persons who do or may hereafter own tiled plantations and negroes in the county of Bryan to make tax returns and pay their taxes annually in said county, is here returned to the senate, where it originated. The general law is to every citizen the privilege of making his return and paying taxes where he resides, in whatever part of the State his property may be situated. No injury results to the State from reputation, while it is recommended by its general convenience. What offence have the non resident owners of property in this county committed, that they should be deprived of this privilege? Why are they to be subjected to obligations from which their citizens are exempt? The inconvenience to which they would

ected is even greater than it would seem to be from the title of the act. From the title it would appear that *all their taxable property* was to be returned, and *all their taxes* paid in Bryan county; but the provisions of the act do not correspond with the title—the *land plantations and negroes in Bryan county only*, belonging to residents, are to be returned, and the taxes on them paid in that county, while for the remainder of their property, the non residents pay on a footing with the rest of the community. No motive for exception exists, unless it is found in the recent enactments which bestow one half of the tax collected in each county on the Inferior court, for the benefit of the county. In this view of the subject, the act is not less objectionable—it gives to one county a benefit withheld from all others—it takes the tax on property in Bryan, of non residents, to swell the county's funds, without giving to the counties where they reside the just equivalent. The residents of Bryan who own similar property in other counties, are still compelled to make payments of the tax on that property in Bryan county. My assent is withheld, therefore, because the act is unjust in its provisions, as it deprives a few persons of a privilege enjoyed by the mass of their fellow citizens, and as it gives to one county only benefit to which all others are equally entitled.

Signed,

JOHN FORSYTH.

And his excellency has approved and signed the following acts:  
An act to establish an additional place of holding circuit in the county of Tattnall.

An act to incorporate the Locust Grove Academy in the county of Warren, and to appoint Trustees for the same.

An act to incorporate Cicero Academy in Monroe county.

An act to amend an act entitled an act to incorporate Paulina Academy, and to appoint other commissioners therein named.

An act to incorporate the Washington Academy in the county of Winnett, and to appoint trustees for the same.

An act to amend the road laws, so far as respects the county of Iatham.

An act to lay off the county of Jackson into school districts, and vest the free school and academy funds in certain commissioners to be appointed for said districts, and to incorporate the same.

An act to compel the clerks of the Superior and Inferior courts of the county of Ware to keep their offices at or within one mile of the court-house of said county.

An act to repeal an act entitled an act to add that part of the funds heretofore set apart for the support of county academies to the poor school funds, so far as respects the county of Rabun, passed the 27th of December, 1826, and to appoint commissioners for the purpose of applying the poor school and academy funds of said county.

An act to authorise the next receiver of tax returns of the county of Thomas to receive the tax returns of the citizens of said county, or any other person whose taxes are due the State prior to the year of 1827, and to make it the duty of the collector of taxes for the county of Thomas to collect the said taxes.

An act to alter and amend an act entitled an act to alter the time

of holding the elections for county officers in this State, passed the 16th of December, 1811, so far as respects the counties of Henry and DeKalb.

The senate took up the message of the House of Representatives and the bills therein contained were read the first time.

The senate adjourned until 7 o'clock this evening.

### Thursday Evening, 7 o'clock.

The senate met pursuant to adjournment.

Mr. Scarlett, from the committee on Enrollment reported as duly enrolled and signed by the Speaker of the house of representatives.

An act to create and define a new division of militia, and the two brigades which shall form the same, in the territory lately acquired from the Creek Indians, lying between the Flint and Chatahoochee rivers and west of the Chatahoochee river.

Which was presented to and signed by the President of Senate.

Ordered, that the committee on enrolment do carry said act to his excellency the Governor for his revision.

On motion to adjourn, the yeas and nays being required, it was determined in the negative.

The yeas are 10, the nays are 45.

Those in the affirmative are, Messrs.

Blackstone	Gilder	Swain
Blair of Habersham	Hicks	Tennille
Burton	Ray	Worthy
Eulwood		

Those in the negative are, Messrs.

Alexander	Dunagen	Moncrief
Allen	Ezzard	Moore
Anderson	Gamble	Phillips
Baber	Harris	Powell
Beall	Hawthorn	Remson
Brown of Monroe	Holloway	Ryalls
Campbell	Janes	Scarborough
Cargille	Lawson	Sellers
Clayton of Clark	Leonard	Smith
Clayton of Pulaski	Luckie	Thomas
Coffee	Martin	Tillman
Cosby	Maxwell	Walthour
Crawford of Columbia	McDougald	Williams
Davies	McTyre	Wimberly
Denmark	Miller	Wooten

Mr. Powell laid on the table the following resolution.

*Resolved*, That the senate and house of representatives will convene in the representative chamber this evening at half past seven o'clock, to elect five Directors for the Bank of Darien, four Directors for the State Bank, and two Directors for the Planters' Bank.

Mr. Cargille laid on the table the following resolution—

Whereas Ludwell Watts, now in the jail of Butts county, was, at the last Superior Court of said county, convicted of the murder of Denton Daniel, and sentenced to be executed on the 8th day of October last, but was respited by his excellency the Governor, and the same having been reported to this Legislature and a pardon refused to be granted—and whereas the said Ludwell Watts did, by some means unknown, procure some deadly weapons, and on the day set apart for his execution, prevented the same by shewing his weapons and threatening the life of any person who might attempt to take him from prison—Therefore,

*Be it resolved*, That his excellency the governor be, and he is hereby requested, to pay out of the contingent fund a sum of money equal to the expense which may accrue in consequence of the delay of the execution of said Ludwell Watts.

The senate adjourned until to-morrow morning half past 9 o'clock

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FRIDAY, Dec. 21st 1827.

Mr. Wimberly, from the committee to whom was assigned the duty of examining the arms and munitions of war now in the arsenal and magazine, Reported—

That they have performed the duty assigned them, and have found the arms, ordnances and munitions of war in good order and preservation.

From the construction of the building, the examination of the arms, &c. made by the committee has been superficial, but as far as this examination extended, they felt perfectly satisfied with the manner in which the duties of the Keeper have been discharged.

Which was read and agreed to.

A mesage was received from the Governor by mr. Pierce his Secretary, informing the senate that

The Governor had assented to and signed an act to create and define a new division of militia and the two brigades which shall form the same, in the territory lately acquired from the Creek Indians, lying between the Flint and Chatahoochee rivers and west of the Chatahoochee river.

Ordered, that the committee on Enrollment do carry said act to the Secretary of State's office, and see affixed thereto the Great Seal of this State.

On motion of mr. Anderson,

The senate took up the following resolution :

Whereas, it is the wish of a large majority of the people of this State that General Andrew Jackson should be the next President,

**In preference to any other person—and whereas, it appears that some efforts are made to start a third candidate for the Presidency,**

*Be it therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met.* That all attempt, to get up a third candidate, will be viewed by them with disapprobation, and as evidencing a disposition again to defeat the wishes of the people by throwing the election into the House of Representatives.

*And be it further resolved,* That we will advance, by all honorable means, the election of General Jackson, and think of no other person, as long as he shall be blessed with his usual bodily and mental energies.

Mr. Gamble then proposed the following as a substitute :

Whereas, by a resolution of the last legislature, General Andrew Jackson was nominated as a candidate for the Presidency of the United States at the approaching election, which nomination has met the decided approbation of a very large majority of the good people of Georgia, and in which nomination this Legislature concurs—

And whereas, no general expression of the public sentiment has manifested itself in behalf of the claims of any particular individual for the office of Vice President, and the time having arrived when the voice of this State should announce the candidate of her choice ;

*Resolved therefore,* That the talents, patriotism, public services and republican principles of our fellow-citizen, the Hon. Wm H. Crawford, eminently qualify him for that distinguished station, and entitle him to our confidence and support.

Mr. Sellers then proposed the following as an additional substitute :

Whereas, General Andrew Jackson is decidedly the choice of the good people of this State, for the high and responsible office of President of the United States at the next election therefor—and whereas efforts are making to connect the office of Vice Presidency of the United States at the next election therefor—and whereas efforts are making to connect the office of Vice Presidency of the United States with the claims of the said Gen. Andrew Jackson, thereby tending to divide the opinions of the good people of this State in relation thereto—and whereas, it is believed a project is on hand, by divers the citizens of the United States, to start an opposing candidate, other than those before the public, to injure and impair the claims of the said Andrew—and whereas, the Legislature of this State did, at their last session thereof, recommend the said Andrew as a fit person to preside over the Government of the United States—

*Resolved therefore,* That we view any attempt to start a third candidate for the Presidency, or to combine the election of President of the United States with that of the Vice Presidency as calculated only to frustrate the claims of General Andrew Jackson.

*Resolved further,* That we adhere to the resolution passed by the last Legislature of this State, recommending Gen. Andrew Jackson as a fit and proper person for the high and responsible office of President of the United States.

On motion of Mr Baber, that the original and substitutes lie on the table for the present, the yeas and nays being required, it was determined in the negative

The yeas are 27—the nays are 38.

Those in the affirmative are Messrs.

Baber	Jordan	Phillips
Burton	Lawson	Ray
Clayton of Clark	Leonard	Ryalls
Crawford of Columbia	Martin	Scarboro
Davies	Maxwell	Sledge
Ezzard	McDougald	Thomas
Gamble	McFyre	Tillman
Hawthorn	Moncrief	Williams
Holloway	Munroe	Wimberly

Those in the negative are Messrs.

Alexander	Coffee	Miller
Allen	Cosby	Moore
Anderson	Crawford of Hancock	Porter
Beall	Denmark	Powell
Blackstone	Dunagen	Remson
Blair of Habersham	Fulwood	Sellers
Blair of Lowndes	Gilder	Smith
Brown of Camden	Groves	Spann
Brown of Monroe	Harris	Swain
Campbell	Hendrick	Tennille
Cargille	Hicks	Wilson
Clayton of Pulaski	Hoxey	Wooten
Cochran	Janes	

Mr. Hoxey then moved that they lie on the table the remainder of the session.

The yeas and nays being required, it was determined in the negative. The yeas are 10—the nays are 59.

Those in the affirmative are Messrs.

Baber	Hoxey	Ryalls
Crawford of Columbia	Moncrief	Scarboro
Crawford of Hancock	Ray	Waltourn
Davies		

Those in the negative are Messrs.

Alexander	Campoell	Fulwood
Allen	Cargille	Gamble
Anderson	Clayton of Clark	Gilder
Beall	Clayton of Pulaski	Groves
Blackstone	Cochran	Harris
Blair of Habersham	Coffee	Hawthorn
Blair of Lowndes	Cosby	Hendrick
Brown of Camden	Denmark	Hicks
Brown of Monroe	Dunagen	Holloway
Burton	Ezzard	Janes



Jordan	Munroe	Tennille
Lawson	Phillips	Thomas
Leonard	Porter	Tillman
Luckie	Powell	Williams
Martin	Remson	Wilson
Maxwell	Scarlet	Wimberly
McDougald	Sellers	Wooten
McTyre	Sledge	Worthy
Miller	Smith	
Moore	Spann	

Mr. Coffee moved the previous question,  
 And on the question "Shall the main question be now put?" the  
 yeas and nays being required, it was determined in the affirmative.  
 The yeas are 38—the nays are 31.

Those in the affirmative are, Messrs.

Alexander	Cosby	Powell
Anderson	Denmark	Remson
Beall	Dunagen	Scarlet
Blackstone	Fatwood	Sellers
Blair of Habersham	Gilder	Smith
Blair of Lowndes	Groves	Spann
Brown of Camden	Harris	Swain
Brown of Monroe	Hawthorn	Tennille
Campbell	Hendrick	Walthour
Cargille	Hicks	Wilson
Clayton of Pulaski	Hoxey	Wooten
Cochran	Moore	Worthy
Coffee	Porter	

Those in the negative are, Messrs.

Allen	Jordan	Munroe
Baber	Lawson	Phillips
Burton	Leonard	Ray
Clayton of Clark	Luckie	Ryalls
Crawford of Columbia	Martin	Scarborough
Crawford of Hancock	Maxwell	Sledge
Davies	McDougald	Thomas
Ezzard	McTyre	Tillman
Gamble	Miller	Williams
Hollaway	Moncrief	Wimberly
Janes		

On agreeing to the original resolution of Mr. Anderson, the yeas,  
 and nays being required, it was determined in the affirmative.  
 The yeas are 45—the nays are 24.

Those in the affirmative are Messrs.

Alexander	Blackstone	Brown of Camden
Anderson	Blair of Habersham	Brown of Monroe
Beall	Blair of Lowndes	Campbell

Gargille	Hawthorn	Sellers
Clayton of Pulaski	Hendrick	Smith
Gochran	Hicks	Spann
Coffee	Holloway	Swain
Cosby	Hoxey	Tennille
Denmark	Janes	Thomas
Dunagen	Martin	Tillman
Ezzard	Miller	Williams
Fulwood	Moore	Wilson
Gilder	Porter	Wimberly
Groves	Remson	Wooten
Harris	Scarlet	Worthy

Those in the negative, are Messrs.

Allen	Jordan	Munroe
Baber	Lawson	Phillips
Burton	Leonard	Powell
Clayton of Clark	Luckie	Ray
Crawford of Columbia	Maxwell	Ryalls
Crawford of Hancock	McDougald	Scarboro
Davies	McTyre	Sledge
Gamble	Moncrief	Walthour

The following bills of the house of representatives were read the second time and ordered for a third reading;

A bill to regulate slaves and free persons of color in the village of Sparta.

A bill to repeal part of the act to revise and amend the Judiciary system of this State, passed on the 11th day of February, 1779.

A bill to establish and regulate election districts in the counties of Early, Lee and Pike.

A bill to repeal certain road laws now in force in this State, so far as respects the county of Effingham.

A bill to establish an additional election district in the county of Fayette.

A bill to reduce damages upon bills of exchange drawn on any place beyond the limits of the United States, returned protested for non-payment, and to define more precisely the mode of settling the same on the principle of re-exchange.

A bill to incorporate the Blakely academy in the county of Early.

A bill to authorise the Sheriff of Elbert county to have advertised, his sales in one of the public gazettes of Milledgeville.

The following bills were read the second time and ordered for committee of the whole :

A bill to amend the 12th section of the 9th division of the penal code of this State.

A bill for the removal of persons from lands not condemned by law.

A bill for the appropriation of money for the improvement of the Chatahoochee river?

A bill to compel the Attorney and Solicitors General to give bond and security for the performance of their duties.

The bill to reduce the auctioneers' license in the town of St. Marye—and

The bill to provide for the holding of an extra session of the Superior court for the county of Butts,

Were ordered to lie on the table the remainder of the session.

The following bills of the House of Representatives were read the third time and passed :

A bill authorising the Justices of the Inferior court of the county of Burke to appoint the clerk of the land court of said county.

A bill to alter and fix the time of holding the Superior courts of the county of Gwinnett.

A bill to give to masons and carpenters in Richmond and Chatham counties an incumbrance for debts due on account of work done and materials furnished in building and repairing houses, on such houses and the premises to which they may be attached.

A bill to amend the road laws of Glynn county.

A bill regulating the proceedings on bonds taken for the security of the peace, and for other purposes.

A bill to regulate the poor school fund for the county of Hancock.

A bill to authorise the city council of Augusta to appoint vendue masters for said city, to prescribe their duties and regulate the form and amount of their bonds, and for other purposes.

A bill to add a part of the county of Dooly to the county of Lee.

A bill to vest in Felix Lewis and wife all the estate, real and personal, of John W. H. Hobson, dec'd.

A bill to alter and amend the patrol laws, so far as it respects the counties of Laurens, Camden, Pulaski, &c.

And the bill of senate to declare the validity of contracts made by the corporation of the town of Macon,

Was read the third time and passed.

The bill of the house of representatives for the relief of Eliza T. Baxter, was read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the negative.

The yeas are 21—the nays are 37.

Those in the affirmative are, messrs.

Alexander,	Crawford of Hancock	Maxwell
Baker	Davies	Moncrief
Blackstone	Groves	Ray
Campbell	Harris	Smith
Clayton of Clark	Hendrick	Tillman
Clayton of Pulaski	Hicks	Wimberly
Cochran	Holloway	Worthy
Coffee		

Those in the negative are Messrs.

Anderson	Gilder	Phillips
Beall	Hawthorn	Powell
Blair of Habersham	Hoxey	Remsen
Blair of Lowndes	Janes	Ryalls
Brown of Camden	Jordan	Scarlet
Cargille	Lawson	Sledge
Crawford of Columbia	Luckie	Spann
Denmark	Martin	Swain
Dunagen	McTyre	Thomas
Ezzard	Miller	Walthour
Fulwood	Moore	Williams
Gamble	Munroe	Wooten

The following communication was received from the Governor by Mr. Shaafe his Secretary :

Executive Department, }  
December 21st, 1827. }

A resolution of the General Assembly, authorising the officers who have the custody of the different offices through which a grant to Charles Boatwright passed, to correct a mistake supposed to have been made in issuing that grant, is herewith returned to the senate, where it originated, disapproved.

The preamble of the resolution states, that lot No 105 in the 5th district of Carrol was drawn to the name of Charles Boatwright, of the county of Burke, and that a mistake has been made by issuing a grant to him for lot No. 105 in the 2d district of Carrol. There is a mistake of fact in this statement. Lot No. 105 in the 2d district of Carrol appears, by the Commissioners' Books filed in this department, to have been actually drawn to the name of Charles Boatwright, and a grant issued for it accordingly on the 20th inst.—there is therefore no error to correct. Lot No. 105 in the 5th district of Carrol was drawn by Allen Roberts of Walton county, and not by C. Boatwright.

Signed,

JOHN FORSYTH.

And that the Governor had approved the resolution for the relief of Abner Bartlett, the purchaser of fraction No. 28 in the 4th district of Wilkinson.

The following message was received from the house of representatives by Mr. Dawson their clerk :

*Mr. President—*

The House of Representatives have passed a bill to revise and amend an act to alter and amend an act to incorporate the town of Perry in the county of Houston, and to appoint commissioners for the same, passed the 25th November, 1825.

They have passed the following bills of Senate :

A bill to dispose of the McIntosh Reserves in the county of Butts.

A bill to grant to Thomas Spalding and his associates the right of constructing a rail road of wood, or of digging a canal, from the Ocmulgee to the Flint rivers, with certain privileges.

A bill to repeal so much of the 22d section of an act entitled an act to revise and consolidate the militia laws of this State, and to repeal the cavalry laws now in force, passed the 9th December, 1818, as requires the senior officer present at all courts of Enquiry to reside.

A bill to authorise the Governor and Secretary of State to correct any error that may have taken place or may hereafter take place in issuing any grant or grants for any lot or lots of land in any of the land lotteries in this State.

A bill to add a certain number of trustees to the Lawrenceville Academy in the county of Gwinnett—and

A bill for the relief of the securities of the Unacoi Turnpike Company.

They have also passed the following bills of Senate, with the amendments therein contained, to which they desire the agreement of Senate, to-wit:

A bill to legitimize and change the names of certain persons therein named.

A bill to establish an additional electoral district in the county of Warren.

A bill for changing the time of holding the Inferior court of Jackson county.

A bill to alter and amend an act to erect free schools in the county of Emanuel—by substitute.

A bill to alter and amend the road laws, so far as respects the county of Rabun.

A bill to rent certain reserves and improvements in the late acquired territory for the year 1828.

A bill to authorise certain commissioners therein named to raise by lottery the sum therein specified, for the purpose of building a Masonic Hall in the town of Monroe, Walton county.

They have agreed to the amendment of Senate to the bill of the house, for the relief of certain fortunate drawers in the recent land lottery.

To the amendment to the bill to sell and dispose of lots Nos. 10 and 100 in the several districts of the counties of Appling and Ware, reserved by the land lottery act of 1818 for the education of poor children.

And to the amendments to the bill to incorporate the trustees of the Masonic Hall in the city of Augusta.

The senate took up the message, and agreed to the amendments of the house to the following bills:

To the bill to legitimize and change the names of certain persons therein named.

To the bill to establish an additional electoral district in the county of Warren.

To the bill to change the time of holding the Inferior court of Jackson county.

To the bill to alter and amend the road laws so far as respects the county of Rabun.

To the bill to rent certain reserves and improvements in the late acquired territory for the year 1828.

To the bill to authorise certain commissioners therein named to raise by lottery the sum therein specified, for the purpose of building a Masonic Hall in the town of Moaroe, Walton county.

The senate disagreed to the amendments of the House to the bill to alter and amend an act to erect free schools in the county of Emanuel.

On motion of Mr. Hoxey,

*Resolved*, That both branches of the General Assembly will convene in the representative chamber at six o'clock this evening, for the purpose of proceeding to the election of a Major General and two Brigadiers for the 9th division of Georgia militia, and for five Directors for the Bank of Darien, four for the State Bank, and two for the Planters' Bank, on the part of the State.

The Senate adjourned until 3 o'clock this evening:

### Friday Evening, Dec. 21, 1827, 3 o'clock.

The senate resolved itself into a committee of the whole, Mr. Coffee in the chair, on the bill for the relief of persons owning improvements on the reserve at the Coweta Falls on the Chatahochee river.

The President having resumed the chair, Mr. Coffee reported the bill without amendment.

The senate took up, amended and agreed to the report. The bill was read the third time and passed.

On motion to lay on the table the balance of the session the bill to authorise, upon certain conditions, certain persons to plead and practice law in the different courts of law and equity in this State, and to make a part of them liable in law for their contracts after a particular time, and also to authorise Joel Terrill to practice medicine for a certain time, and for other purposes.

The yeas and nays being required, it was determined in the affirmative. The yeas are 27—the nays are 26.

Those in the affirmative, are Messrs.

Allen	Cochran	Powell
Anderson	Cosby	Ray
Beall	Gilder	Ryalls
Blackstone	Harris	Scarlet
Blair of Lowndes	Lawson	Sledge
Brown of Camden	Martin	Swain
Brown of Monroe	Miller	Thomas
Largille	Moore	Wimberly
Clayton of Pulaski	Munroe	Wooten

Those in the negative are, messrs.

Alexander	Clayton of Clark	Davies
Eber	Crawford of Columbia	Ezzard
Campbell	Crawford of Hancock	Gamble

Hawthorn  
Hendrick  
Hoxey,  
Janes  
Jordan  
Leonard

Luckie  
Maxwell  
McDougald  
McTyre  
Moncrief  
Phillips

Scarboro  
Smith  
Spann  
Tennille  
Williams

On motion to lay on the table the balance of the session the bill to require the Sheriff and Clerks of the county of Gwinnett to advertise in some one of the public gazettes of Milledgeville.

The yeas and nays being required, it was determined in the negative. The yeas are 27—The nays are 28.

Those in the affirmative are Messrs.

Brown of Monroe	Jordan	Manroe
Clayton of Clark	Lawson	Phillips
Crawford of Columbia	Leonard	Ray
Crawford of Hancock	Luckie	Ryalls
Ezzard	Martin	Scarborough
Gamble	Maxwell	Scarlett
Holloway	McDougald	Sledge
Hoxey	Miller	Williams
Janes	Moncrief	Wimberly

Those in the negative are Messrs.

Alexander	Clayton of Palaski	McTyre
Allen	Cochran	Moore
Anderson	Cosby	Powell
Beall	Davies	Smith
Blackstone	Fullwood	Spann
Blair of Lowndes	Gilder	Swain
Brown of Camden	Harris	Tennille
Burton	Hawthorn	Thomas
Campbell	Hendrick	Wooten
Cargille		

The Senate then resolved itself into a committee of the whole, on the said bill, Mr. Hendrick in the chair.

The President having resumed the chair, Mr. Hendrick reported disagreement to the bill. The senate took up the report.

The bill was read the third time, and on the passage of the bill, the yeas and nays being required, it was determined in the negative. The yeas are 24, the nays are 37.

Those in the affirmative are Messrs.

Alexander	Cohee	Remson
Anderson	Denmark	Sellers
Beall	Dunagen	Smith
Blackstone	Fulwood	Spann
Blair of Lowndes	Hendrick	Swain
Campbell	Moore	Tennille
Cargille	Powell	Wooten
Cochran	Ray	Worthy

Those in the negative are Messrs.

Allen	Holloway	Moncrief
Brown of Camden	Hoxey	Munroe
Brown of Monroe	Janes	Phillips
Burton	Jordan	Ryalls
Clayton of Clark	Lawson	Scarboro
Crawford of Colum.	Leonard	Scarlett
Crawford of Hanc'k	Luckie	Sledge
Davies	Martin	Thomas
Ezzard	Maxwell	Tillman
Gamble	McDougald	Walthour
Gilder	McTyre	Williams
Harris	Miller	Wimberly
Hawthorn		

The senate resolved itself into a committee of the whole, Mr. Ezzard in the chair, on the bill to amend an act establishing and regulating district elections in the county of Jones.

The president having resumed the chair, Mr. Ezzard reported the bill without amendment. The Senate took up the report,

And on motion of Mr. Hendrick to insert after the words "at or near the widow Baldwin's, in Capt. Ross's district," the words "at the house of Luke Roberts, in Capt. Davis's district,"

The yeas and nays being required, it was determined in the negative. The yeas are 29—the nays are 34.

Those in the affirmative are, Messrs.

Alexander	Denmark	Powell
Anderson	Dunagen	Remson
Beall	Fulwood	Sellers
Blackstone	Gilder	Smith
Blair of Habersham	Groves	Spann
Blair of Lowndes	Harris	Swain
Brown of Camden	Hendrick	Tennille
Cargille	Hicks	Wooten
Clayton of Pulaski	McTyre	Worthy
Oochran	Porter	

Those in the negative are, Messrs.

Allen	Hoxey	Moore
Brown of Monroe	Janes	Munroe
Burton	Jordan	Phillips
Campbell	Lawson	Ray
Clayton of Clark	Leonard	Ryalls
Crawford of Columbia	Luckie	Scarborough
Crawford of Hancock	Martin	Sledge
Davies	Maxwell	Thomas
Ezzard	McDougald	Walthour
Gamble	Miller	Williams
Hawthorn	Moncrief	Wimberly
Holloway		



Mr. Hendrick proposed to amend the report by the following, as an additional section to the bill :

*"And be it further enacted, That all elections for electors of President and Vice President of the United States, shall be held in the several election districts in said county."*

And on agreeing thereto, the yeas and nays being required, it was determined in the affirmative.

The yeas are 32—The nays are 31.

Those in the affirmative are, Messrs.

Alexander	Ezzard	Powell
Anderson	Fulwood	Ransom
Beall	Gamble	Sellers
Blair of Habersham	Gilder	Smith
Brown of Camden	Graves	Spann
Campbell	Harris	Swann
Cargille	Hendrick	Tennille
Clayton of Pulaski	Hicks	Walthour
Cochran	Hoxey	Wooten
Denmark	McTyre	Worthy
Dunagen	Porter	

Those in the negative are, Messrs.

Allen	Jordan	Munroe
Baber	Lawson	Phillips
Brown of Monroe	Leonard	Ray
Burton	Luckie	Ryalls
Clayton of Clark	Martin	Scarborough
Crawford of Columbia	Maxwell	Sledge
Crawford of Hancock	M. Dougald	Thomas
Davies	Miller	Tillman
Hawthorn	Moncrief	Williams
Holloway	Moore	Wimberly
Janes		

The senate resolved itself into a committee of the whole, Mr. Walthour in the chair, on the bill to alter the time of holding the Superior Courts of the Southern Circuit.

The President having resumed the chair, Mr. Walthour reported the bill without amendment—The senate took up the report—when

Mr. Ray moved to amend it by striking out "Thomas county."

Mr. Spann, "Early county."

Mr. Porter, "Baker county."

Mr. Clayton of Pulaski, "Pulaski county"

Mr. Wimberly then moved the previous question, and the senate agreed to put the main question, on agreeing to the report.

The report was then agreed to. The bill was read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the affirmative.

The yeas are 35—the nays are 30.

Those in the affirmative are Messrs.

Allen

Baber

Blair of Lowndes

Brown of Camden	Holloway	Phillips
Brown of Monroe	Janes	Ryalls
Campbell	Jordan	Scarlett
Clayton of Clark	Lawson	Sledge
Crawford of Hancock	Leonard	Smith
Dunagen	Luckie	Thomas
Ezzard	Martin	Tillman
Fulwood	McDougald	Walthour
Gamble	Miller	Williams
Harris	Moncrief	Wimberly
Hawthorn	Munroe	

Those in the negative are Messrs.

Alexander	Davies	Powell
Anderson	Denmark	Ray
Beall	Gilder	Remson
Blackstone	Groves	Scarboro
Blair of Habersham	Hendrick	Sellers
Burton	Hicks	Spann
Cargille	Hoxey	Swain
Clayton of Pulaski	Maxwell	Tennille
Cochran	Moore	Wooten
Cosby	Porter	Worthy

Mr. Scarlett, from the committee on Enrollment, reported as duly enrolled and signed by the Speaker of the house of representatives, the following acts :

An act for the relief of renters of public property in the counties of Lee, Muscogee, Troup, Coweta and Carroll, and the reserve at the Old Agency on Flint river, and renters of public property on the reserve at Macon, in the county of Bibb.

An act to incorporate the Pleasant Grove Academy in the county of Henry, and to appoint trustees for the same.

An act to alter and amend an act entitled an act to alter and amend an act to alter and amend the 12th section of an act to protect the estates of orphans, and to make permanent provision for the poor, passed the 16th Dec. 1811

An act for the relief of the several counties in this State in which the commissioners of the poor school fund shall have failed to make their returns in conformity with law.

An act to separate and divorce Nancy Wright and William R. Wright her husband.

An act to lay out a town on the reserve at the Coweta Falls on the Chatahoochee river, and to dispose of the same, and name said town.

An act to sell and dispose of the unsold lots in the town of Macon, and the public lands on the east and west side of the Ocmulgee river near and adjoining the said town, and also the Bridge across the Ocmulgee river at Macon.

An act to incorporate the Lafayette Hall Academy in the county of Greene.

Which were presented to and signed by the President of Senate.

Ordered that the committee on Enrollment carry said acts to the Governor for his assent.

A message was received from the Governor by Mr. Shaaffe his secretary, informing the senate that

His excellency had approved a resolution originating in this branch of the general assembly, for the election of a Major General and two Brigadiers for the ninth division of Georgia militia, and for five Directors for the Bank of Darien, four for the State Bank, and two for the Planters' Bank, at six o'clock this evening.

The following message was received from the House of Representatives by Mr. Dawson their clerk :

Mr. President---

The House of Representatives have agreed to the report, as amended, of the joint committee on Finance, relative to certain monies due the State from Solicitors in the Ocmulgee Circuit.

They have agreed to the report and resolution of the select committee appointed to investigate the charges preferred against Judge Fort, recommending his removal from office, by a majority of two thirds.

To which they desire concurrence.

They have concurred in the resolution of senate, relative to the enlargement of the State-house.

And they have concurred in the resolution bringing on certain elections this evening at 6 o'clock.

The senate took up so much of the message as relates to the amended report of the joint committee on Finance, relative to certain monies due the State from Solicitors General in the Ocmulgee Circuit, and concurred therein.

Ordered that the remainder of the message lie on the table.

The President laid before senate the following communication :

Milledgeville, Dec. 21st, 1827.

To the President of the Senate—

SIR—The resolution of the House of Representatives, in relation to my removal from office, having been conveyed to the Senate, I beg leave to request that I may be heard by counsel in my defence, after the report and the evidence shall have been read, at such time as the senate may designate. If in accordance with the views of the Senate, I would respectfully ask an indulgence of reasonable time, for preparation and consultation with my counsel, until Monday morning.

Very respectfully,

(Signed)

MOSES FORT.

On motion of Mr. Sellers,

Resolved, That Moses Fort, Judge of the Superior Courts of the Southern Circuit, be permitted to appear, by attorney in his defence of the charges preferred against him by Joseph Blackshear, within the bar of the senate, to-morrow morning at ten o'clock.

The senate adjourned until 6 o'clock this evening.

Friday Evening, 6 o'clock, 21st Dec.

The senate met pursuant to adjournment.

A message was received from the house of representatives by mr. Dawson their clerk, informing the senate that the house were ready to receive them in their chamber, to proceed to the elections set apart for this evening, agreeably to a concurred resolution.

Whereupon, the President and members of Senate repaired to the representative chamber, and being seated, they proceeded by ballot to the election of a Major General for the 9th division of Georgia militia—and on counting out the votes, it appeared that Col. Samuel Armstrong Bailey was duly elected.

They proceeded in like manner to the election of a Brigadier General for the first brigade of the ninth division—and on counting out the votes, it appeared that mr. Josias B. Beall was duly elected.

They proceeded in like manner to the election of a Brigadier General for the second brigade of said division, and on counting out the votes, it appeared that James N. Bethune, Esq. was duly elected.

They proceeded in like manner to the election of five Directors on the part of the State for the Darien Bank—and on counting out the votes, it appeared that Doctor James Troup, mr. James Dunwoody mr. — Fraser, mr. George Atkinson, and mr. Anson Kimberly were duly elected.

They proceeded in like manner to the election of four Directors on the part of the State for the Bank of the State of Georgia—and on counting out the votes, it appeared that William B. Bulloch, Mordecai Myers, George Schley, and Abraham B. Fannin were duly elected.

They proceeded in like manner to the election of two Directors on the part of the State for the Planters' Bank—and on counting out the votes, it appeared that mr. John H. Morell and mr. Elias Fort were duly elected.

The President and members of Senate returned to their chamber—and

The Senate adjourned until to-morrow morning nine o'clock.

SATURDAY, 22d Dec. 1827.

On motion of mr. Clayton of Clark,

The senate reconsidered so much of their journal of yesterday as relates to the ordering of the bill to authorize, upon certain conditions, certain persons to plead and practice law, &c. &c. to lie on the table the balance of the session.

On motion of mr. Worthy,

To reconsider so much of the journal of yesterday as relates to the rejection of the bill to require the Sheriff and Clerks of the coun-

of Gwinnett to advertise in some one of the public gazettes of Milledgeville,

The yeas and nays being required it was determined in the negative. The yeas are 20—the nays are 30.

Those in the affirmative are Messrs.

Alexander	Cosby	Smith
Beall	Denmark	Spann
Blackstone	Dunagen	Tennille
Campbell	Gilder	Wilson
Cargille	Groves	Wooten
Cochran	Hendrick	Worthy
Coffee	Hicks	

Those in the negative are Messrs.

Allen	Hoxey	Munroe
Baber	Janes	Phillips
Brown of Monroe	Jordan	Ray
Burton	Leonard	Scarboro
Clayton of Clark	Luckie	Scarlett
Crawford of Hancock	Martin	Sledge
Crawford of Columbia	McDougald	Thomas
Davies	McTyre	Walthour
Ezzard	Miller	Williams
Holloway	Moncrief	Wimberly

Mr. Hendrick moved to reconsider so much of the journal of yesterday as relates to the whole proceeding of Senate on the bill to amend an act establishing and regulating district elections in the county of Jones,

And the yeas and nays being required thereon, it was determined in the negative. The yeas are 25—the nays are 33.

Those in the affirmative are, Messrs.

Alexander	Coffee	McTyre
Beall	Cosby	Powell
Blackstone	Denmark	Smith
Blair of Habersham	Dunagen	Spann
Campbell	Fulwood	Tennille
Cargille	Gilder	Wilson
Clayton of Pulaski	Hendrick	Wooten
Cochran	Hicks	Worthy

Those in the negative are, Messrs.

Allen	Gamble	Martin
Baber	Hawthorn	McDougald
Brown of Monroe	Holloway	Miller
Burton	Hoxey	Moncrief
Clayton of Clark	Janes	Moore
Crawford of Columbia	Jordan	Munroe
Crawford of Hancock	Lawson	Phillips
Davies	Leonard	Ray
Ezzard	Luckie	Scarborough

Scarlet  
Sledge  
Thomas

Tillman  
Walthour

Williams  
Wimberly

Mr. Coffee moved to reconsider so much of the journal of yesterday as relates to the proceedings of Senate on the bill to alter the time of holding the Superior courts of the Southern circuit,

And the yeas and nays being required thereon, it was determined in the negative. The yeas are 26—the nays are 33.

Those in the affirmative are, Messrs.

Alexander	Davies	Ray
Beall	Denmark	Remson
Blackstone	Gamble	Scarborough
Blair of Habersham	Gilder	Spann
Cargille	Hendrick	Tennille
Clayton of Pulaski	Hicks	Williams
Cochran	Hoxey	Wooten
Coffee	Martin	Worthy
Cosby	Powell	

Those in the negative are, Messrs.

Allen	Hawthorn	Moncrief
Baber	Holloway	Moore
Blair of Lowndes	Janes	Munroe
Brown of Monroe	Jordan	Phillips
Campbell	Lawson	Scarlett
Clayton of Clark	Leonard	Sledge
Crawford of Columbia	Luckie	Smith
Crawford of Hancock	Maxwell	Thomas
Dunagen	McDougald	Tillman
Ezzard	McTyre	Walthour
Fulwood	Miller	Wimberly

The President laid before the senate the following communication from Judge Fort :

Milledgeville, Dec. 22, 1827.

To the President of Senate—

SIR—Although the liberality of the honorable body over which you preside granted me the right of being heard in my defence, by counsel, yet, considering that every moment is precious to the Legislature on the eve of its close, and considering that the evidence is before the senate, and that the argument of counsel would but serve to occupy the attention of the senate, without producing any other result than that of consuming its time, I have determined to waive the right so freely granted ; but asking the body over which you preside, collectively and individually, to consider in making up the determination, the source whence the accusation proceeds, and the probable motives which have doubtless actuated my accuser in making it. It is also respectfully asked of the honorable body over which you preside, not to fix a precedent that may be hereafter

viewed as depriving a citizen of the inestimable right of trial and defence, by concurring in a course having all the effects of an impeachment, without any of its justice.

There is one other consideration which I desire to submit on the present occasion—it is this—withstanding much evidence has been collected in relation to the charges, yet not one of them have been sustained; and, when taken in connection with the testimony, the limited time allowed me, enabled me to present, there exists much variety of opinion on the subject, and as to disqualification, there is no evidence upon which any reliance can be placed. If the administration of public justice had suffered through me, where are the complaints of the people against me?—Then excite none. On the contrary, whenever any of the witnesses have been required to testify upon this subject, the opinion is uniform, that I have presided as well as those who have gone before me.

Respectfully requesting you to lay this communication before the Senate, I have the honor to be,

Your obedient servant,

MOSES FORT.

The senate took up so much of the message of the house of representatives of yesterday as relates to the report of the select committee of the house, to which was referred the charges preferred by Joseph Blackshear against Moses Fort, the Judge of the Southern Circuit in this State;

And on concurring with the house, by a majority of two thirds, in said report and accompanying resolution, the yeas and nays being required, it was determined in the negative,

The yeas are 39—the nays are 27

Those in the affirmative, are Messrs.

Allen	Holloway	Moore
Baber	Hoxey	Munroe
Beall	Janes	Phillips
Brown of Camden	Jordan	Ray
Brown of Monroe	Lawson	Ryalls
Burton	Leonard	Scarboro
Clayton of Clark	Luckie	Sledge
Crawford of Columbia	Martin	Smith
Crawford of Hancock	Maxwell	Thomas
Davies	McDougald	Tillman
Ezzard	McTyre	Walthour
Gamble	Miller	Williams
Groves	Moncrief	Wimberly

Those in the negative are, messrs.

Alexander	Clayton of Pulaski	Fulwood
Blackstone	Cochran	Gilder
Blair of Habersham	Coffee	Harris
Blair of Lowndes	Cosby	Hawthorn
Campbell	Demark	Hendrick
Cargille	Dungen	Hicks

Porter  
Powell  
Remson

Sellers  
Spann  
Swain

Wilson  
Wooten  
Worthy

The honorable senator from Washington county was unanimously excused from voting on the report and resolution of the house relative to the removal of Judge Fort from office, in consequence of his relationship to one of the parties.

On motion of mr. Clayton of Clark,

It appearing that a mistake has been committed in enrolling the act for laying out the town of Columbus, which has been presented to the Governor for his assent, with such mistake,

*Be it therefore resolved*, That the committee on Enrollment wait on his excellency the Governor and request of him the privilege to withdraw said bill, for the purpose of correction.

The following message was received from the house of representatives by mr. Dawson their clerk :

Mr. President---

The house of representatives have agreed to the amendments of senate made to the bill of the house to organise the counties of Merriwether, Troup, Harris, Talbot, Marion and Muscogee.

The house of representatives have concurred in the resolution of senate in favor of William Herb of Chatham.

In the resolution on the petition of Isaac Hall, late tax collector of Wilkinson county.

In the report of the committee to whom was referred the petition of Spencer Phillips.

In the report of the committee on Finance, to whom was referred the Governor's communication in relation to the surplus fund appropriated for the use of the commissioners of the Savannah river navigation between Augusta and Petersburg.

In the resolution to authorise the Governor to pay James Bush, late tax collector of Early county, any money that may be paid into the Treasury on account of an overcharge of the tax.

In the resolution to pay the late State-house officers that portion of the salary that may be due them for services performed from the 4th to the 24th November.

They have agreed to a resolution relative to the public arms in the city of Savannah.

And to a resolution relative to the poor school fund of Walton county

To which they desire concurrence.

And they have concurred in the resolution of senate appointing commissioners for the Brunswick Canal Company.

And they have passed the bill of senate for the relief of the securities of William Hopkins.

The senate took up the report of the joint committee on Agriculture and Internal Improvement of the 19th instant, in the following words :

The joint committee on Agriculture and Internal Improvement, to whom was referred the reference from the senate, asking an enquiry into the practicability of cutting and keeping open, at public



expense, a road leading from Pindertown in Dooly county, to Bainbridge in Decatur county, Report—

That on an examination into the subject of said reference, the following facts are presented: 1st. That the distance between said points is about eighty miles; that the chief part of the country through which this road would pass is of the most sterile description, unsuited to population; that the road at present used is one opened entirely by travellers, circuitous in its direction, and on ground unsuitable, running so near to the Flint river that in many instances it is subject to inundation by its waters, thereby obstructing the transportation of the mail, and the very great number of travellers continually on the road.

Believing as your committee does, that the opening of a road through this country is of much importance, and that there never will be a sufficient population in that country to effect that object, they beg leave to recommend the adoption of the following resolutions:

*Be it resolved*, That the sum of        dollars be appropriated for the opening of a road leading from Pindertown in Dooly county, to Bainbridge in Decatur county, and that the same be placed in the appropriation bill.

*Be it further resolved*, That the Inferior courts of Dooly, Baker and Decatur counties, each appoint one fit and proper person, to act as commissioner to said road, and that the said persons so appointed be empowered to draw the amount appropriated, upon their producing to his excellency the Governor a bond with good securities, approved by the Inferior court of one of said counties, in the sum of three thousand dollars, conditioned for the faithful application of said money.

*And be it further resolved*, That the commissioners so appointed be allowed one dollar per day for their services, while actually engaged in the discharge of their duties, to be paid out of the amount appropriated.

On motion to fill the blank in the resolution with "one thousand,"

The yeas and nays being required, it was determined in the affirmative. The yeas are 33—the nays are 25.

Those in the affirmative are Messrs.

Allen	Gamble	Scarborough
Beall	Gilder	Sellers
Blackstone	Groves	Smith
Blair of Habersham	Hawthorn	Spann
Blair of Lowndes	Holloway	Swain
Brown of Monroe	Maxwell	Tennille
Clayton of Clark	Miller	Thomas
Clayton of Pulaski	Porter	Walthour
Cochran	Powell	Wilson
Coffee	Remson	Wooten
Crawford of Hancock	Ryan	Worthy
Dullwood		

Those in the negative are Messrs.

Alexander	Janes	Moore
Campbell	Jordan	Munroe
Crawford of Columbia	Leonard	Phillips
Davies	Luckie	Ray
Dodd	Martin	Sledge
Dunagen	McDongald	Tillman
Ezzard	McTye	Williams
Hendrick	Moncrief	Wimberly
Hexey		

The report as amended was then agreed to.

Mr. Allen, from the joint committee on Agriculture and Internal Improvement, to whom was referred the subject of the appropriation made by the legislature of 1825, for the locust-stake road in Rabun county, reported as follows :

That they have had the report of the commissioners appointed by virtue of that resolution under consideration, and find that the sum of \$1812 56 1-4 cents has been expended in opening said road, and that there remains an unexpended balance of one hundred and eighty seven dollars, forty-three and three-fourth cents.

We are happy to state that the object of the appropriation is accomplished, and that wagons are travelling on said road.

Your committee therefore offer the following resolution :

*Resolved*, That the unexpended balance of said appropriation, amounting to \$187 43 3 4 cents, be expended under the direction of said commissioners, to the improvement and repairs of the said road.

Which was read and agreed to.

The following bills of the House of Representatives were read the third time and passed :

A bill to regulate slaves and free persons of color in the village of Sparta.

A bill to establish an additional electoral district in the county of Fayette.

A bill to repeal certain road laws now in force in this State, so far as respects the county of Effingham.

A bill to establish and regulate election districts in the counties of Early, Lee and Pike.

A bill to repeal part of the act to revise and amend the Judiciary system of this State, passed on the 11th day of February, 1779.

A bill to incorporate the Elskely academy in the county of Early.

A bill to authorise the Sheriff of Elbert county to have advertised his sales in one of the public gazettes of Milledgeville.

A bill to reduce the damages upon bills of exchange drawn on any place beyond the limits of the United States, returned protested for non-payment, and to define more precisely the mode of settling the same on the principle of re-exchange.

The bill to authorise William Williamson to establish a ferry across Flint river on his own land, also to authorise James Hooten to establish a ferry across Flint river on his own land, in the county of Early, and regulate the same—and

The bill to appoint commissioners to select a site for the public,

buildings for the county of Aspling, and to make permanent the same.

Were ordered to lie on the table till called up.

The bill to alter the road laws of this State, so far as respects the counties of Jackson, Burke, Madison, Jones, Laurens, &c.

The bill declaring and making certain the law regulating the rights of husbands in and to the property of their deceased wives, and for other purposes—and

The bill to revise and amend an act to alter and amend an act to alter and amend an act to incorporate the town of Perry in the county of Houston, and appoint commissioners for the same, passed the 25th Nov. 1825,

Were ordered to lie on the table the remainder of the session.

The Senate resolved itself into a committee of the whole, Mr. Allen in the chair, on the bill to alter the time of holding the Superior courts in the Eastern district, &c.

The President having resumed the chair, Mr. Allen reported the bill without amendment. The senate took up and agreed to the report. The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Hoxey in the chair, on the bill to add a part of the counties of Talbot and Marion to the county of Crawford.

The President having resumed the chair, Mr. Hoxey reported the bill with amendment, by way of substitute. The senate took up and agreed to the report,

The bill was read the third time and passed under the title of "a bill to add a part of Talbot to the county of Crawford."

The senate resolved itself into a committee of the whole on the bill to provide a more easy and convenient mode of proving open accounts, so as to make them evidence in Justices' courts—Mr. McDougald in the chair.

The president having resumed the chair, Mr. McDougald reported the bill with amendment. The Senate took up and agreed to the report. The bill was read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the affirmative.

The yeas are 32, the nays 18.

Those in the affirmative are Messrs.

Baher	Holloway	Ryalls
Beall	Hoxey	Scarboro
Brown of Camden	Jones	Sledge
Campbell	Jordan	Spann
Cargile	Leonard	Swain
Clayton of Clark	Luckie	Tennille
Coffee	Martin	Thomas
Crawford of Columbia	McDougald	Tillman
Crawford of Hancock	Miller	Walthour
Davies	Moxcreef	Williams
Ezzard	Phillips	Wilson
Gamble	Forrer	Wimberly
McDuck	Ray	Worthy

Those in the negative, are Messrs.

Allen	Denmark	Moore
Blackstone	Dunagen	Powell
Blair of Habersham	Folwood	Sellers
Blair of Lowndes	Groves	Smith
Clayton of Pulaski	Hicks	Wooten
Cosby	McTyre	

The senate resolved itself into a committee of the whole, Mr. Beall in the chair, on the bill to appropriate monies for the political year 1828.

The President having resumed the chair, Mr. Beall reported the bill with amendments.

Ordered, that the report lie on the table.

The senate resolved itself into a committee of the whole on the bill to raise a tax for the support of Government for the year 1828, Mr. Brown of Monroe in the chair.

The president having resumed the chair, Mr. Brown reported the bill with amendment.

The senate took up and agreed to the report—the bill was read the third time and passed.

On motion of Mr. Davies,

Abner Bartlett had leave to withdraw the documents laid by him before this house, on an application to be indemnified for the loss of a supposed fraction of land purchased by him.

A mesage was received from the Governor by Mr. Pierce his secretary, informing the senate that

His Excellency had assented to and signed an act to dispose of the residue of lands heretofore reserved for the use of the State.

Ordered, that the committee on Enrollment do carry said act to the Secretary of State's office, and see affixed thereto the Great Seal of this State.

Mr. Scarlett, from the committee on Enrollment reported as duly enrolled and signed by the Speaker of the house of representatives, the following acts :

An act to sell and dispose of lots Nos. 10 and 100 in the several districts in the counties of Appling, Irwin & Ware, reserved by the lottery act passed the 15th day of Dec 1818, for the education of poor children.

An act to authorise certain commissioners therein named to establish a lottery for the purpose of raising the sum of fifteen thousand dollars, to be appropriated to the building of a Masonic Hall in the town of Macon.

An act to separate and divorce Nancy Wright and William R. Wright her husband.

An act to incorporate the Augusta Library Society.

An act to amend an act entitled an act to empower the general court of Pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenancy in common in this province, and appointing the method of proceeding therein, passed the 26th of March, 1767.

An act to authorise Obediah C. Gibson of the county of Warren

to plead and practice law in the several courts of law and equity in this State.

An act to authorise Mordcani Shackleford, his heirs and assigns, to build and keep up a mill-dam across the Alcofaubatchy river, on certain conditions.

An act to authorise the trustees of the Clinton Academy in the county of Jones, to raise by lottery the sum of five thousand dollars, for the benefit of said academy.

An act to establish and make permanent a ferry across the Chatahoochee river in the county of Gwinnett, at a place known by the name of Gates' ferry, on his own land, and to vest the right thereof in Charles Gates and his heirs, and to fix the rates of said ferry.

An act to authorise the trustees of Meson academy in the county of Oglethorpe, to sell and convey the real estate devised to said institution by Francis Meson, dec'd.

An act to incorporate Rock Spring Academy in Monroe county, and to appoint trustees for the same.

An act to appoint two additional trustees of the poor school fund of the county of Ware, to establish school districts, and to apportion the poor school fund among said districts.

An act to incorporate the Presbyterian Church in the town of Decatur, DeKalb county, and to appoint trustees for the same.

An act to appoint additional trustees for the Academy of Jefferson county, and to add a part of the poor school fund to the academy fund of said county, and to authorise the said trustees to draw the dividends due the said academy, and also the funds added to the same by this act.

An act to incorporate the Trustees of the Masonic Hall in the city of Augusta.

An act to authorise William Trice of Upson county to erect and make permanent a ferry across Flint river, at the place formerly known by the name of Smith's ferry.

An act for the relief of certain drawers in the recent land lottery.

An act to authorise James Dunlap, of the town of Quincy in the county of Gadsden, Territory of Middle Florida, and Edgar Macon of Tallahassee, to plead and practice law as attorneys, counsellors, and solicitors, in the several courts of law and equity in this State.

An act for the relief of persons in certain cases who have purchased any part of the State's forest in lots which have been condemned and sold as fraudulently drawn within the counties of Bibb, Houston, &c.

Which were presented to and signed by the President of Senate.

Ordered, that the committee on enrollment do carry said acts to his excellency the Governor for his revision.

A message was received from the Governor by Mr. Pierce his secretary, informing the senate that the governor had assented to and signed the following acts, to-wit:

An act to sell and dispose of the unsold lots in the town of Marion, and the public lands on the east and west side of the Ocmulgee river, near and adjoining the said town, and also the Bridge across the Ocmulgee at Marion.

An act for the relief of the several counties in this State in which the commissioners of the poor school fund shall have failed to make their returns in conformity with law.

An act for the relief of persons in certain cases who have purchased any part of the State's interest in lots which have been condemned and sold as fraudulently drawn within the counties of Bibb, Houston, Crawford, Monroe, Upson, Pike, Henry, Fayette, D. Knib, Butts and Newton.

The following message was received from the house of representatives by Mr. Dawson their clerk :

*Mr. President—*

The House of Representatives have agreed to the amendment of Senate to the bill of the House for the relief of persons owning improvements on the reserve at the Coweta Falls on the Chatahoochee river.

They have agreed to the amendment to the bill to amend the act establishing and regulating district elections in the county of Jones.

They have concurred in the resolution relative to the correction of a mistake in enrolling the act for laying out the town of Columbus.

They have agreed to a resolution requesting the Governor to procure from the Governors of the respective States in which penitentiaries have been established, copies of their respective penal codes, &c. &c.

To a report and resolution of the committee to whom was referred the petition of sundry citizens of Morgan county, in favor of Joseph Darnell.

To a resolution granting indulgence to Mary Ann Tucker and her securities upon a certain bond given to the State.

To a report upon the petition of Curtis G. Gray.

To a report upon the memorial of Daniel C. Campbell.

To a resolution on the subject of repairing the Macon Bridge.

To a resolution on the petition of Harvey Kendrick, and to grant relief to said Kendrick.

And they have also agreed to a resolution appointing this evening at three o'clock for the election of five commissioners.

To which they desire concurrence.

They have agreed to a resolution appointing a committee on unfinished business.

To a resolution in favor of Adrian, Loving and Jackson.

To a resolution appointing Charles Gates, jun. a commissioner of the Chatahoochee river, in addition to those already appointed.

To a resolution authorising the Comptroller General to deliver to Rolly McIntosh any bond or bonds in his office, on account of the rents of any fraction or fractions on which the said McIntosh resides.

To a resolution appointing certain commissioners for that part of the Ocmulgee river above Macon.

To a resolution appointing commissioners of Double Branch academy in Lincoln county.

To a report of the select committee to whom was referred the pe

To which said reports and resolutions they desire concurrence.

They have passed the bill of senate for the relief of Lewis Lynch.

They have agreed to the amendments of senate to the bill of the house to establish an additional election district in the county of Fayette

To the amendments to the bill to repeal certain road laws now in force, so far as respects the county of Effingham.

And they have passed the bill of senate to alter and fix the time of holding the Superior and Inferior courts in Wilkinson and Jasper, with amendments.

The senate took up so much of the message as relates to the election of five commissioners, to superintend the sales of fractions, &c. and concurred therein.

The Senate adjourned until 3 o'clock this evening.

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### Saturday Evening, 3 o'clock.

The senate met pursuant to adjournment.

Mr. Brown of Camden, from the joint committee on Enrollment, reported as duly enrolled and signed by the Speaker of the House of Representatives, the following acts :

An act to add a certain number of trustees to the Lawrenceville Academy in the county of Gwinnett.

An act to give further time to purchasers of fractions, lots & islands, at the late sales of the fractions, to pay for their lands.

An act to grant to Thomas Spalding and his associates the right of constructing a rail road of wood, or of digging a canal, from the Ocmulgee to the Flint river, with certain privileges.

An act to alter and amend the road laws, so far as respects the county of Rabun.

An act for the relief of Margaret Smith.

An act to authorise the Governor and Secretary of State to correct any error that may have taken place or may hereafter take place in issuing any grant or grants for any lot or lots of land in any of the land lotteries in this State.

An act to establish an additional electoral district in the county of Warren.

An act to change the time of holding the Inferior courts of Jackson and Telfair counties.

An act to rent certain reserves and improvements in the late acquired territory for the year 1828.

An act to extend the time for fortunate drawers in the land lotteries of 1818, 1819 and 1821 to take out their grants, and for other purposes.

An act to dispose of the McIntosh Reserves in the county of Butts.

An act to authorise certain commissioners therein named to raise by lottery the sum therein specified, for the purpose of building a Museum Hall in the town of Monroe, Walton county.

An act to legitimatize and change the names of certain persons therein named.

An act to repeal so much of the 22d section of an act entitled an act to revise and consolidate the militia laws of this State, and to repeal the cavalry laws now in force, passed the 19th December, 1818, as requires the senior officer present at all courts of Enquiry to preside.

Which were presented to and severally signed by the President of the Senate.

Ordered, that the committee on Enrollment carry said acts to his excellency the governor for his assent.

On motion of mr. Blair of Habersham,

*Resolved*, That his excellency the Governor, be requested to lay before this branch of the legislature any information which may be in his department relative to the execution of Ludwell Watts, lately convicted of murder in Butts county, after the second respite of the said Watts.

Mr. Davies presented the following protest—which was read and ordered to be journalized :

The undersigned, in the exercise of a right which belongs to them, take leave to state the reasons which induced them to vote in the negative, on the adoption yesterday of a resolution on the subject of the next Presidency in the following words—

“Whereas it is the wish of a large majority of the people of this State that General Andrew Jackson should be the next President, in preference to any other person—and whereas, it appears that some efforts are made to start a third candidate for the Presidency,

*Be it therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met*, That all attempts to get up a third candidate, will be viewed by them with disapprobation, and as evincing a disposition again to defeat the wishes of the people by throwing the election into the House of Representatives.

*And be it further resolved*, That we will advance, by all honorable means, the election of General Jackson, and think of no other person, as long as he shall be blessed with his usual bodily and mental energies’

The undersigned were desirous of expressing their decided and unequivocal preference of General Jackson, over the present incumbent of the office of President of the United States, and of his strong claims to that high and dignified appointment; and that such preference is demanded by every consideration of policy and public good, and that the best interests of our common country would be promoted thereby; but they did not believe that the occasion required that they should express any opinion of the qualifications of General Jackson, by comparison with individuals whose names are not before the public, or to declare to the world, that in their opinion his qualifications are superior to those of all others who might by possibility be brought forward.

The undersigned believe with those by whose votes the resolution referred to was adopted, that it would be impolitic at this time to present a third candidate for the Presidency, since such a measure



might tend to promote the success of Mr. Adams, and endanger the election of General Jackson, whose little hope could be indulged of the election of such third candidate—But though in the opinion of the undersigned it would be unwise, for the reason assigned, to present a third candidate, they are not prepared to say that such candidate, if one should be brought forward, might not possess qualifications superior to those of General Jackson; much less are they prepared to say, that no other person should, under any circumstances, be thought of as a proper person to fill the office of President of the United States.

It was in this view of the subject that the undersigned dissented from the resolution referred to, when they were driven by the course pursued by its friends and advocates, either to adopt or reject it without being permitted to offer any amendment or modification.

Signed,

NEILL MUNROE  
JOSEPH RYALLS  
HOLLAND McTYRE  
CHARLES A. BURTON  
D. McDOUGALD  
A. J. LAWSON  
ROGER L. GAMBLE  
WILLIAM DAVIES  
J. L. SCARBOROUGH  
H. LUCKIE  
AMBROSE BABER  
PETER CRAWFORD  
ARTHUR MONCRIEF  
BEVERLY ALLEN  
RODERICK LEONARD  
MATTHEW PHILLIPS  
J. CRAWFORD  
GEO. W. WALTHOUR  
W. H. SLEDGE  
DUNCAN RAY  
JOHN J. MAXWELL

The undersigned voted against the resolution recommending General Jackson as the next President, because he prefers the reelection of John Quincy Adams to that of Gen. Jackson.

Signed,

ALLEN B. POWELL.

Mr. Clayton of Clark presented the following protest—which was read and ordered to be entered on the journal—

The undersigned now positively state that they are in favor of General Jackson for the Presidency of the United States at the next election for that office, in preference to Mr. Adams, or any one at present spoken of for that office; and so they expressed themselves by their vote as members of the Legislature at the last session; but they voted against the resolution offered at the present session for the following reasons, to wit:

1st. Having voted on a former occasion in favor of Gen. Jackson for the same office, they conceive it inconsistent with the character of a freeman, and of a man of truth and sincerity, to repeat promises and pledges merely because they are in favor of great men, thereby

showing that we are either actuated by a fawning sycophancy or some political designs.

2d The resolution requires that the State of Georgia shall vote for General Jackson, not only in preference to Mr. Adams, but any other person that may be brought forward in the United States for that office. Now, whatever the individual opinions of the members of this legislature might be on this subject, they have no right to bind their constituents to do a thing which is to happen twelve months afterwards.

Where circumstances may arise which might induce them to change their opinion, every citizen ought to be left free, to exercise his own opinion as he may think proper when he is called on to act, and not to be placed under any obligation that will trammel his unbiased suffrage—such a course is inconsistent with the rights of free government.

3d Said resolution compels the members not to think of any other person for President but General Jackson. Now, as members vote under an oath, we conceive that we cannot conscientiously place ourselves under such a serious obligation. Every man ought to have not only the liberty of thought, but also of speech; and if a man were to promise that he would not think upon any subject, not having the entire control of his thoughts, he might inadvertently think of some other person for President, and if he did, he would forfeit his pledge—besides, *such a promise is unworthy of a freeman* and totally incompatible with free agency.

For these reasons, and believing that our fellow citizens have integrity and ability sufficient to vote for whomsoever they please as President of the United States, when the proper time arrives, without being dictated to by their representatives, *who were sent to make Laws instead of Presidents*, we have voted against said resolution, at the same time declaring we are in favor of General Jackson for the Presidency at the next election.

Signed,

AUGUSTIN SMITH CLAYTON  
REUBEN JORDAN.

On motion of Mr. Porter;

Whereas, there is a few individuals in the county of Baker dissatisfied with the place designated for the public site,

*Be it therefore resolved by the Senate and House of Representatives, of the State of Georgia, That the Inferior court of the county of Baker be permitted to hold an election for five commissioners, whose duty it shall be to fix on a place for the public site of said county, and to superintend the erection of the public buildings of the same; That the said election shall be held under the same rules and regulations as is the election of State and county officers, and that the five persons having the highest number of votes shall be duly elected.*

A message was received from the house of representatives, by Mr. Dawson their clerk, informing the senate that the house of representatives were ready to receive them in the representative chamber, for the purpose of proceeding to the election of five commissioners of fraction sales.

Whereupon, the President and members of Senate repaired to the

representative chamber, when both branches of the legislature proceeded by joint ballot to the election of five commissioners of traction sales—and on counting out the votes, it appeared that James Whitfield, Thomas F. Gibbs, Evans Myrick, John Mercer and Robert W. Carnes were duly elected.

The President and members of Senate having returned to their chamber,

The following communication was received from the Governor by Mr. Pierce his secretary :

Executive Department, }  
Dec. 22d, 1827. }

All the information in this department relative to Ludwell Watts, lately convicted of murder in Butts county, not already communicated to the General Assembly, is contained in the documents, copies of which are herewith transmitted to the senate, in compliance with their resolution of this day.

Signed,

JOHN FORSYTH.

And that the Governor had signed the following Acts, to wit—

An act to establish and make permanent a ferry across the Chatahoochee river in the county of Gwinnett, at a place known by the name of Gates' ferry, on his own land, and to vest the right thereof in Charles Gates and his heirs, and to fix the rates of said ferry.

An act to authorise William Trice of Upson county to erect and make permanent a ferry across Flint river, at the place formerly known by the name of Smutti's ferry.

An act to incorporate the Augusta Library Society.

An act to incorporate the Presbyterian Church in the town of Decatur, DeKalb county, and to appoint trustees for the same.

An act to incorporate Rock Spring Academy in Monroe county, and to appoint trustees for the same.

An act to authorise James Dunlap, of the town of Quincy in the county of Gadsden, Territory of Middle Florida, and Edgar Macon of Tallahassee, to plead and practice law as attorneys, counsellors, and solicitors, in the several courts of law and equity in this State.

An act to appoint additional trustees for the Academy of Jefferson county, and to add a part of the poor school fund to the academy fund of said county, and to authorise the said trustees to draw the dividends due the said academy, and also the funds added to the same by this act.

An act to authorise Obediah C. Gibson of the county of Warren to plead and practice law in the several courts of law and equity in this State.

An act to amend an act entitled an act to empower the general court of Pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenancy in common in this province, and appointing the method of proceeding therein, passed the 26th of March, 1767.

An act to authorise certain commissioners therein named to establish a lottery for the purpose of raising the sum of fifteen thousand dollars, to be appropriated to the building of a Masonic Hall in the town of Macon.

An act to add a certain number of trustees to the Lawrenceville Academy in the county of Gwinnett.

An act for the relief of Margaret Smith.

An act to change the time of holding the Inferior courts of Jackson and Telfair counties.

An act to establish an additional electoral district in the county of Warren.

An act to authorise the Governor and Secretary of State to correct any errors that may have taken place or may hereafter take place in issuing any grant or grants for any lot or lots of land in any of the land lotteries in this State.

An act to alter and amend the road laws, so far as respects the county of Rabun.

An act to repeal so much of the 22d section of an act entitled an act to revise and consolidate the militia laws of this State, and to repeal the cavalry laws now in force, passed the 19th December, 1818, as requires the senior officer present at all courts of Enquiry to preside.

An act to authorise certain commissioners therein named to raise by lottery the sum therein specified, for the purpose of building a Masonic Hall in the town of Monroe, Walton county.

An act to extend the time for fortunate drawers in the land lotteries of 1818, 1819 and 1821 to take out their grants, and for other purposes.

An act to give further time to purchasers of fractions, lots & islands, at the late sales of the fractions, to pay for their lands.

An act to legitimatize and change the names of certain persons therein named.

An act to rent certain reserves and improvements in the late acquired territory for the year 1828.

An act to grant to Thomas Spalding and his associates the right of constructing a rail road of wood, or of digging a canal, from the Ocmulgee to the Flint river, with certain privileges.

The Senate adjourned until Monday morning 8 o'clock.

*MONDAY, 24th Dec. 1827.*

On motion of Mr. Phillips,

The senate reconsidered so much of their Journal of Saturday last as relates to the ordering of the bill declaring and making valid certain the law regulating the rights of husbands in and to the property of their deceased wives, and for other purposes, to lie on the table the balance of the session.

The senate took up the report on the bill to appropriate monies for the political year 1828.

When, on motion of Mr. Crawford of Columbia, to allow to Thomas White the sum of two hundred dollars, for his loss at the battle of Burke Jail during the revolutionary war,

The yeas and nays were required thereon, and it was determined in the affirmative.

The yeas are 29—the nays are 21.

Those in the affirmative are Messrs.

Allen	Ezzard	Munroe
Blackstone	Gamble	Powell
Brown of Camden	Hawthorn	Ray
Brown of Monroe	Jordan	Ryalls
Burton	Leonard	Sledge
Clayton of Clark	Luckie	Thomas
Cosby	Maxwell	Walthour
Crawford of Colum.	McTyre	Wimberly
Crawford of Hanc'k	Miller	Worthy
Davies	Moncrief	

Those in the negative are Messrs.

Anderson	Gilder	Sellers
Blair of Habersham	Groves	Smith
Blair of Lowndes	Hendrick	Spann
Clayton of Pulaski	Hoxey	Swain
Coffee	Janes	Williams
Denmark	Phillips	Wilson
Dunagen	Scarboro	Wooten

The report being agreed to as amended, the bill was read the third time and passed.

On motion of mr. Gamble, it was

*Resolved*, That a committee be appointed on the part of senate to join such as may be appointed on the part of the house of representatives, to wait upon his excellency the Governor and inform him that both branches of the General Assembly have gone through their business, and are now ready to adjourn, and desire to be informed whether he has any further communication to lay before either branch of the Legislature.

Whereupon, the President appointed a committee on the part of senate, consisting of Messrs. Gamble, Crawford of Hancock, and Jordan.

The following message was received from the house of representatives by mr. Dawson their clerk :

*Mr. President—*

The House of Representatives have passed the following bills, of Senate, to wit—

A bill to amend the rent laws of this State.

A bill to facilitate the recovery of personal property in certain cases.

A bill to prevent the surveying and granting of certain lands, either under head rights or in any other way, and for other purposes.

A bill to divorce Catherine Wilson and John Wilson her husband.

A bill to separate and divorce Eliza Stone and Joshua Stone her husband.

A bill to explain and amend an act to vest the State's interest in the property of Joel Music, late of Burke county, deceased, in the sisters of said deceased.

A bill to sell and dispose of the State's interest in lots of land in the late purchase, which have been or hereafter may be relinquished to the State, and such as have been or hereafter may be condemned as fraudulently drawn in the aforesaid purchase.

They have concurred in the report of the committee on Public Education and Free Schools, to whom was referred the reports of the several county academies.

They have concurred in the report and resolutions of the joint committee on the state of the Republic, to whom was referred so much of the late Governor's communication as regards the acquisition of the Georgia lands at present in the occupancy of the Cherokee Indians, and the absolute and jurisdictional right of the State to the same—with amendments.

They have concurred in the report and resolutions of the committee on the State of the Republic, to whom was referred so much of the Governor's communication as relates to the powers of the General Government, claimed and exercised for the purposes of encouraging domestic manufactures, and effecting a system of Internal Improvement.

They have also concurred in the report and resolutions of the joint committee on the State of the Republic, to whom was referred the resolution of the senate instructing an enquiry into the right and propriety of the Congress of the United States appropriating money from the public Treasury of the Union, in aid of the Colonization Society.

They have concurred in the resolution to appoint a committee to wait on the Governor, and inform him that the General Assembly are about to adjourn, sine die, and ascertain whether he has any further communication to lay before them, and have added a committee on their part consisting of messrs. Shorter, Bates, Thomas, Lyman, and Hull of Clark.

They have agreed to some, and disagreed to others of the amendments of senate to the bill to appropriate monies for the support of Government for the political year 1828.

They have agreed to one and disagreed to the other of the amendments of Senate to the bill for the appropriation of money for the improvement of the Chatahochee river.

They have concurred in the report and resolutions of the joint committee on Agriculture and Internal Improvement, to whom was referred the reference of Senate on the subject of the appropriation made by the Legislature of 1825 for the Locust Stake Road in Rabun county.

They have concurred in the report of the joint committee on the State of the Republic, to whom was referred that part of the Governor's communication and the documents that relate to the prohibition, by the General Government, of the survey of the territory acquired by the Treaty of the Indian Springs, and the threatening of military force to coerce obedience to the same.

The senate took up the message, and concurred in the amendments of the House to the several reports therein specified.

The senate resolved itself into a committee of the whole on the bill to appropriate money for the improvement of the navigation of the Chatahoochee river—Mr. Crawford of Hancock in the chair.

The President having resumed the chair, Mr. Crawford reported the bill with amendment. The senate took up and agreed to the report. The bill was read the third time and passed.

The bill of the House to extend the civil jurisdiction of this State over the unlocated territory thereof now in the possession of the Cherokee Indians—and

The bill to give a more effectual and speedy relief to bona fide purchasers of property which is incumbered with judgments and mortgages previous to its transfer,

Were ordered to lie on the table the remainder of the session.

The senate resolved itself into a committee of the whole, on the bill to repeal the 2d section of an act passed 23d Dec. 1822, to distribute certain funds among the several counties in this State for the use of academies, and to provide a method of obtaining further information concerning endowments heretofore made, and to allow them to draw their dividends under certain conditions—Mr. Hendrick in the chair.

The president having resumed the chair, Mr. Hendrick reported disagreement to the bill. The Senate took up and agreed to the report,

On motion to lay on the table the remainder of the session, the bill to amend and consolidate the several acts which have been passed in relation to the powers and privileges of the corporation of the city of Savannah, and to extend the jurisdictional limits of the same, for the purposes herein mentioned,

The yeas and nays being required, it was determined in the affirmative. The yeas are 36—the nays are 13.

Those in the affirmative are, messrs.

Alexander	Demark	Luckie
Anderson	Dunagen	Miller
Beall	Ezzard	Moncrief
Blackstone	Gamble	Sellers
Blair of Habersham	Gilder	Sledge
Blair of Lowndes	Groves	Smith
Brown of Monroe	Hawthorn	Spann
Burton	Holloway	Tennille
Clayton of Clark	Hoxey	Thomas
Cosby	Janes	Wilson
Crawford of Columbia	Jordan	Wimberly
Crawford of Hancock	Leonard	Worthy

Those in the negative are Messrs

Euler	Maxwell	Phillips
Cohee	McDougald	Ray
Davies	McTyre	Ryalls
Hendrick	Monroe	Scarboro

The bill to regulate ferriages on the Chatahoochee river,  
Was ordered to lie on the table the remainder of the session.

The senate took up the message of the 22d, of the house, and concurred in the amendment of the house to the bill of senate to alter and fix the times of holding the Superior and Inferior courts of the Ocmulgee district, so far as respects the counties of Wilkinson, Jasper and Baldwin--with an amendment.

The senate concurred in the following reports and resolutions :

In the resolution requesting the Governor to procure from the Governors of the respective States in which Penitentiaries are established, copies of their penal codes.

In the report and resolution on the petition of sundry inhabitants of Morgan county, in favor of Joseph Darnell.

In a resolution granting indulgence to Mary Ann Tucker and securities upon a bond to the State.

In a report on the petition of Curtis G. Gray.

In the resolution relative to the poor school fund of Walton county.

In a report on the memorial of Daniel C. Campbell.

In the resolution appointing a committee on unfinished business, by joining on their part Messrs. Groves, Anderson and Williams.

In a resolution in favor of Adrian, Loving and Jackson.

In a resolution appointing Charles Gates a commissioner of the Chatahoochee river.

In the resolution in favor of Rolly McIntosh.

In a resolution appointing commissioners for the Ocmulgee river above Macon.

In a resolution appointing commissioners of the Double Branch Academy in Lincoln county.

In the resolution relative to the arms and munitions of war in Savannah.

In the report on the petition of Elisha Tarver.

In the resolution requesting the Inferior courts of Jones and Monroe counties to rescind any order or orders establishing Pierce A. Lewis' ferry, &c.

In the resolution relative to commissioners of the poor school fund in Franklin county.

The senate disagreed to the resolution in favor of Harvey Kendrick.

The bill to incorporate the Troup county Academy was read the third time and passed.

On motion of Mr. Coffee,

The Engrossing Clerk was directed to annex to the Journal the list of defaulting tax collectors.

On motion of Mr. Davis,

It was unanimously *Resolved*, That the thanks of this body be tendered to the President, for the able and impartial discharge of his arduous duties during the present session.

It was also unanimously *Resolved*, That the thanks of this body be tendered to the Secretary of Senate, for the faithful discharge of his laborious duties during the present session.



Mr. Blair of Lowndes, from the committee on Enrollment, reported as duly enrolled and signed by the Speaker of the House of Representatives, the following acts :

An act regulating the proceedings on bonds taken for the security of the peace, and for other purposes.

An act to vest in Felix Lewis and wife all the estate, real and personal, of John W. H. Hobson, dec'd.

An act to alter and amend the patrol laws in this State, so far as respects the counties of Laurens, Franklin, Burke, Columbia, Glynn, Camden, Hancock and Pulaski.

An act to authorise the city council of Augusta to appoint vendue masters for said city, to prescribe their duties and regulate the form and amount of their bonds, and for other purposes.

An act to alter and amend the road laws of Glynn county.

An act to alter and fix the times of holding the Superior courts of the county of Gwinnett.

An act to regulate the poor school fund in the counties of Hancock and Burke.

An act to add a part of the county of Dooly to the county of Lee.

An act to authorise the Justices of the Inferior court of the county of Burke to appoint the clerk of the land court for said county.

An act to repeal a part of an act entitled an act to revise and amend the judiciary system of this State, passed on the 16th day of February, 1779.

An act to give to masons and carpenters in Richmond and Chatham counties an incumbrance for debts due on account of work done and materials furnished in building and repairing houses, on such houses and the premises to which they may be attached.

An act to regulate slaves and free persons of color in the village of Sparta.

An act to alter the time of holding the Superior Courts in the Southern Circuit.

An act to reduce the damages upon bills of exchange drawn on any place beyond the limits of the United States, returned protested for non payment, and to define more precisely the mode of settling the same on the principle of re exchange.

An act to amend an act passed the 26th day of Dec. 1826, regulating and establishing district elections in the county of Jones.

An act to repeal certain road laws now in force in this State, so far as respects the county of Effingham.

An act to authorise the Sheriff of Elbert county to have advertised his sales in one of the public gazettes of Milledgeville, and the Sheriff of Madison county to advertise in the "Athenian."

An act to incorporate the Blakely Academy in the county of Early.

An act to establish and regulate district elections in the counties of Early, Lee and Pike.

An act to organize the counties of Meriwether, Troup, Harris, Talbot, Marion and Muscogee.

An act to reserve to the proprietors of buildings on the reserve at the Coweta Falls, the right to remove the same within forty days after the sale of lots at said place.

Which were presented to and signed by the President of Senate.  
Ordered, that the committee on Enrollment carry said acts to the Governor for his assent.

The senate resolved itself into a committee of the whole, Mr. Hoxey in the chair, on the bill more effectually to enforce the provisions of the statute of 1826, so far as the same regards the arrival of persons of color in the several ports and waters of this State.

The President having resumed the chair, the bill was reported without amendment.

The senate took up and agreed to the report. The bill was read the third time and passed.

On motion to lay on the table the remainder of the session, the bill to extend and define the corporate limits of the town of Easton—

The yeas and nays being required, it was determined in the negative. The yeas are 15—the nays are 21.

Those in the affirmative are, Messrs.

Anderson	Dunagen	Munroe
Blackstone	Ezzard	Ray
Blair of Habersham	Jordan	Ryalls
Brown of Monroe	Leonard	Walthour
Crawford of Hancock	Moncrief	Wimberly

Those in the negative are, Messrs.

Clayton of Clark	Hendrick	Phillips
Coffee	Hoxey	Sledge
Cosby	Luckie	Smith
Davies	Maxwell	Tennille
Gamble	McDougald	Williams
Gilder	McTyre	Wilson
Hawthorn	Miller	Worthy

The Senate then resolved itself into a committee of the whole, on said bill, Mr. Gamble in the chair.

The President having resumed the chair, Mr. Gamble reported the bill without amendment—The senate took up and agreed to the report—the bill was read the third time and passed.

The senate resolved itself into a committee of the whole, on the bill to repeal an act passed the 24<sup>th</sup> Dec. 1825, making permanent Pierce A. Lewis' Ferry on the Ocmulgee river, in Jones county, Mr. Sledge in the chair.

The President having resumed the chair, the bill was reported without amendment.

The senate took up and agreed to the report, the bill was read the third time,

And on the passage of the bill, the yeas and nays being required, it was determined in the affirmative.

The yeas are 29—the nays are 21.

Those in the affirmative are, Messrs.

Allen	Janes	Munroe
Baber	Jordan	Phillips
Brown of Monroe	Leonard	R. y
Clayton of Clark	Luckie	Ryalls
Crawford of Columbia	Martin	Scarborough
Crawford of Hancock	Maxwell	Sledge
Ezzard	McDougald	Thomas
Gamble	McTyre	Walthour
Holloway	Miller	Wimberly
Hoxey	Moncrief	

Those in the negative are, Messrs.

Alexander	Clayton of Pulaski	Hendrick
Anderson	Cosby	Porter
Beall	Denmark	Powell
Blackstone	Dunagen	Spann
Blair of Habersham	Fulwood	Swain
Blair of Lowndes	Gilder	Tennille
Burton	Groves	Worthy

On motion of mr. Hendrick,

The orders of the Inferior Courts of Jones and Monroe counties were ordered to be journalized, and are as follows :

July 13th, 1824.

ORDERED, That John Thompson, Simeon W. Stallings, John Edwards, Abraham Brown and George Walker be, and they, or any three of them, are hereby appointed commissioners, to view and report on oath at the next Court of Ordinary, or sooner, the propriety and public utility of laying out and establishing a public road beginning at or near the ten mile post, on the road leading from Clinton W. Wallins' old ferry, or the most convenient and best place to land in the bend of the river above the old landing.

Signed,

JAMES GRAY, J. I. C.

ROBERT CUNNINGHAM, J. I. C.

DANIEL MALONE, J. I. C.

I, Frederick Sims, C. I. C. do hereby certify that the above is a true copy of the Road-Book.

Signed,

F SIMS, C. I. C.

### GEORGIA---Jones County.

We, the Commissioners appointed by the Inferior Court of Jones county, have examined and viewed the place according to the direction of your body, and are of opinion, that at the bend of the river above the old ferry landing would be a more suitable place than any near to it, and that it is of more utility and usefulness than the place now occupied or any place near thereunto.

We have laid off and marked out the same in compliance with your order of the 27th July, 1824.

Signed,

S. W. STALLINGS  
JOHN EDWARDS  
ABRAHAM BROWN.

**GEORGIA—Jones County.**

Personally appeared before me, Abraham Brown, Simeon W. Stallings and John Edwards, and being duly sworn, depose and saith, that the within return is a just and true return as it now stands stated.

Signed

JOHN EDWARDS  
SIMEON W. STALLINGS  
ABRAHAM BROWN.

Sworn to and subscribed before me, }  
this 27th July, 1827 }  
STEPHEN RENFROE, J. P.

**RATES OF FERRIAGE.**

Man and Horse	- - -	6 1-4 Cents.
Road Wagon	- - -	50 "
Jersey do.	- - -	25 "
All two-wheel Carriages	- - -	25 "
" four-wheel do.	- - -	50 "
Cattle, per head,	- - -	3 "
Hogs, Sheep and Goats, per head	- - -	2 "
Led Horses, per head	- - -	6 1-4 "
Footman	- - -	6 1-4 "

Ordered by the court, that the road and ferry be established agreeable to the above report of the commissioners, according to law, and that the rates of ferriage be as are mentioned in the above, and that the same be and is hereby established according to law, this 2d August, 1822.

Signed,

JAMES GRAY, J. I. C.  
ROBERT CUNNINGHAM, J. I. C.  
DANIEL MALONE, J. I. C.

A true copy taken from the road-book, as witness my hand and seal of office, this 4th day of November, 1826

(Seal)

CHARLES MCCARTHY, CL'K.

**GEORGIA—Monroe County.**

On the 7th September, 1824, the Inferior court, when sitting for county purposes, it was ordered, that the ferry in Monroe county on section No. 320 in the 13th district of said county, be established for the use and benefit of Pierce A. Lewis.

The rates of ferriage at that place are as follows :

For a Road Wagon	- - -	50 Cents
Pleasure Carriage, four wheels	- - -	50 "
Cart or Jersey Wagon	- - -	25 "
Gig	- - -	25 "
Man and horse, or foot passenger	- - -	6 1-4 "
Neat Cattle, per head	- - -	3 "

Sheep per head, and Hogs per head	2	¢
Loose Horse	5	¢

Signed,

JOHN J. HARPER, J. I. C.  
TURNER HUNT, J. I. C.  
JOHN STRICTLIN, J. I. C.

A true copy from the Minutes, 7th September, 1824.

GREEN HILL, CL'K.

The Senate resolved itself into a committee of the whole, Mr. Walthour in the chair, on the bill to give to informers under the laws of this State disposing of the late acquired territory, who may take out the grants for lands drawn in consequence of fraudulent returns, the preference, where there may be several sci. fas. filed in any of the courts of this State against the same defendant or defendants.

The President having resumed the chair, the bill was reported without amendment. The senate took up and agreed to the report.

The bill was read the third time and passed.

The reconsidered bill declaring and making valid certain the law regulating the rights of husbands in and to the property of their deceased wives, and for other purposes,

Was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Hoxey in the chair, on the bill to incorporate the Augusta Insurance and Banking Company of the city of Augusta, and to repeal the act passed on the 9th Dec. 1822.

The President having resumed the chair, Mr. Hoxey reported the bill without amendment. The senate took up and agreed to the report. The bill was read the third time and passed.

The senate resolved itself into a committee of the whole, Mr. Wilson in the chair, on the bill to provide for the recording of deeds of mortgage upon real and personal property within this State, and to define the lien of the same, and also to amend an act entitled an act to admit certain deeds to record, and to authorise the same or copies thereof to be read in evidence, and also the copies of certain other deeds, and for other purposes.

The president having resumed the chair, Mr. Wilson reported the bill without amendment.

The senate took up and agreed to the report—the bill was read the third time and passed.

The senate resolved itself into a committee of the whole on the bill to amend and alter the 8th section of the judiciary act of 1799, so far as regards the service of process by Sheriffs—Mr. Dunagen in the chair.

The president having resumed the chair, Mr. Dunagen reported disagreement to the bill. The Senate took up and agreed to the report.

The senate resolved itself into a committee of the whole, Mr. Swain in the chair, on the bill for the relief of John Hale.

The President having resumed the chair, Mr. Swain reported the bill without amendment.

Ordered, that the report lie on the table.

The following communication was received from the Governor by Mr. Pierce his Secretary :

EXECUTIVE DEPARTMENT, }  
Dec. 24th, 1827 }

The resolution originating in the senate, authorising the payment of the salaries and perquisites due to the late Treasurer, Secretary of State, Surveyor and Comptroller Generals, from the 4th to the 24th of November, is herewith returned—These officers have already received an Executive warrant for the amount due them, under a resolution of the General Assembly approved on the 10th inst.

Signed,

JOHN FORSYTH.

Mr. Gamble, from the joint committee appointed to wait on the Governor, and inform him that the General Assembly are about to adjourn sine die, and to know if he had any further communication to lay before that body. Reported—

That they have performed that duty, and have received for answer from the Governor, that he had no further communication to lay before the General Assembly, unless it were the laws and resolutions which had been passed, and which as yet he had not had an opportunity of examining.

A message was received from the Governor by Mr. Pierce his secretary, informing the senate that

His excellency had assented to and signed the act to lay out a town on the reserve at the Coweta Falls on the Chatahoochee river, and to dispose of the same, and to name said town.

Ordered, that the committee on Enrollment do carry said act to the Secretary of State's office, and see affixed thereto the Great Seal of the State.

The senators from Bryan, Monroe and Putnam had leave of absence after 12 o'clock this day.

The senate resolved itself into a committee of the whole, on the bill to authorise, upon certain conditions, certain persons to plead and practice law in the different courts of law and equity in this State, and to make a part of them liable in law for their contracts after a particular time, and also to authorise Joel Terrell to practice medicine, and for other purposes—Mr. Phillips in the chair.

The President having resumed the chair, Mr. Phillips reported the bill with amendment. The senate took up and agreed to the report.

The caption being amended, the bill was read the third time and passed under the title of "a bill to authorise, upon certain conditions, certain persons to plead and practice law in the different courts of law and equity in this State, and to make a part of them liable in law for their contracts after a particular time."

On motion of Mr. Coffee,

*Resolved*, That his excellency the Governor be, and he is hereby requested, to have published in all the papers of Milledgeville and Macon, the law altering the time of holding the Superior courts in the Southern Circuit.

The senate adjourned until 3 o'clock this evening.

Monday Evening, 3 o'clock.

A message was received from the house of representatives by Mr. Dawson their clerk, informing the senate that

The house had passed the bill of senate to incorporate the Merchants' and Planters' Bank in Augusta—and

The bill to separate and divorce Thomas Wright and Louisa Wright his wife.

That they had agreed to the amendments of senate to the bill of the house to raise a tax for the support of Government for the political year 1828.

That they had agreed to the amendments of senate to the bill of the house to add a part of the county of Talbot to the county of Crawford.

That they had concurred in the resolution of senate requesting the Governor to have published in all the papers of Milledgeville and Macon, the law altering the time of holding the Superior courts of the Southern circuit.

That the house had passed the bill of senate to amend an act entitled an act to amend an act entitled an act to establish and incorporate an Insurance Company in the city of Savannah, &c.

And that they had agreed to the amendment of senate to the bill of the house to authorise, upon certain conditions, certain persons to plead and practice law in the different courts of law and equity in this State, &c.

To the amendment of Senate to the amendment of the house to the bill of senate to alter and fix the time of holding the Superior and Inferior courts in the Ocmulgee district, so far as respects the counties of Wilkinson, Jasper and Baldwin.

That they had concurred in the report of the joint committee on Agriculture and Internal Improvement, on the subject of the different references to them.

In the report of the committee on the Penitentiary.

In the report of the committee on Finance, to whom was referred the Governor's communication on the subject of the unsettled business between the State of Georgia and the late Maj. Wood.

In the report of the joint committee on the State of the Republic, to whom was referred that part of the Governor's communication which relates to the boundary line between Florida and this State.

In the report of the committee to whom was referred the petition of Sowell Woolfolk and John Wimberly.

That they had agreed to a resolution requesting the Governor to have published in one of the newspapers of this place, the bill to alter the time of holding the Superior courts in the Southern Circuit.

To a resolution to entitle each one of the senators and representatives to a copy of the laws and journals of the present session.

And to a report upon the subject of printing the laws and journals of the present session.

The senate took up the message, and concurred in the resolution of the house relative to the furnishing of each member with a copy of the laws and journals.

In the resolution relative to printing the laws and journals of the present session, by striking out "Guieu & Jones," and inserting "Camak & Ragland," and striking out "eight mills," and inserting "seven mills."

The senate adjourned until 8 o'clock this evening.

8 o'clock P. M. Dec. 24th.

The senate met pursuant to adjournment.

Mr. Blair, from the committee on Enrollment, reported as duly enrolled,

An act to divide the counties of Carrol and Coweta into electoral districts, and to add a certain part of the Cherokee Nation to the counties of Carrol and DeKalb, for the purposes of giving criminal jurisdiction to the same.

An act to incorporate the Merchants' and Planters' Bank of the city of Augusta.

An act to extend and define the corporate limits of the town of Eatonton.

An act to alter and fix the times of holding the Superior courts in the Eastern district, and the Inferior courts so far as relates to the counties of Camden and Liberty.

An act to incorporate the Troup county Academy.

An act to lay off and add a part of the county of Talbot to the county of Crawford.

An act to authorise, upon certain conditions, certain persons to plead and practice law in the different courts of law and equity in this State, and to make them liable in law for their contracts after a particular time.

An act to raise a tax for the support of Government, for the political year 1828.

An act to appropriate monies for the support of Government for the political year 1828.

An act more effectually to enforce the provisions of the statute of 1826, so far as the same regards the arrival of persons of color in the several ports and waters of this State.

An act to establish additional election districts in the counties of Fayette and Wilkes, and to punish those who may attempt to defeat the same.

An act to give to informers under the laws of this State disposing of the late acquired territory, who may take out the grants for lands drawn in consequence of fraudulent records, the preference, where there may be several sci. fas. filed in any of the courts of this State against the same defendant or defendants.

An act to incorporate the Augusta Insurance and Banking Compa-



ay, of the city of Augusta, and to repeal the act passed on the 9th December, 1822.

An act to provide for the recording of deeds of mortgage upon real and personal property within this State, and to define the lien of the same, and also to amend an act entitled an act, to admit certain deeds to record, and to authorise the same or copies thereof to be read in evidence, and also the copies of certain other deeds and for other purposes.

An act for the appropriation of money for the improvement of the Chatahoochee river,

An act for the relief of Lewis Lynch.

An act to facilitate the recovery of personal property in certain cases.

An act to prevent the surveying or granting of certain lands, either under head rights or in any other way, and for other purposes.

An act to divorce Catharine Wilson and John Wilson her husband.

An act to amend the rent laws of this State.

An act for the relief of the securities of William Hopkins.

An act to separate and divorce Eliza Stone and Joshua Stone her husband.

An act declaring and making certain the law regulating the rights of husbands in and to the property of their deceased wives, and for other purposes.

An act to provide a more easy and convenient mode of proving open accounts, so as to make them evidence in Justices' courts.

An act to repeal an act passed the 24th Dec. 1825, establishing and making permanent Pierce A. Lewis' ferry on the Ocmulgee river.

An act to alter and fix the time of holding the Superior and Inferior courts in and for the Ocmulgee district, so far as relates to the counties of Wilkinson, Jasper and Baldwin.

An act to sell and dispose of the State's interest in lots of land in the late purchase which have been or may hereafter be relinquished to the State, and such as have been or may hereafter be condemned as fraudulently drawn in the aforesaid purchase.

An act to separate and divorce Thomas Wright and Louisa Wright his wife.

An act for the relief of the securities of the Unacoi Turnpike company.

An act to explain and amend an act to vest the State's interest in the property of Joel Music, late of Burke county, deceased, in the sisters of said deceased.

Which were presented to and signed by the President of Senate.

Ordered that the committee on Enrollment carry said acts to the Governor for his assent.

A message was received from the house of representatives by mr. Dawson their clerk, informing the senate that

The house had disagreed to the amendments of senate to the resolution relative to the printing of the laws and journals.

The senate took up the message, and, on motion, adhered to their amendments.

A message was then received from the House by its clerk, Mr. Dawson, informing the senate that

The house of representatives had recessed, and concurred with Senate in their amendments to said resolution,

And also informing the senate that the house of representatives were ready to adjourn, *sine die*.

Mr. Groves, from the committee appointed to examine the accounts of the members and officers of the senate, reported a warrant on the treasury for their pay—which was presented to and signed by the President of the Senate.

On motion of Mr. Clayton of Clark,

That the secretary inform the house of representatives that the senate are now ready to adjourn, *sine die*.

The secretary having performed that duty,

The President adjourned the Senate without a day.

## RULES OF SENATE.

1st. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read.

2d. No member shall speak to another, or otherwise interrupt the business of Senate, or read any printed paper while the journal of public papers is reading, or when any member is speaking in debate.

3d. Each member, when he speaks, shall address the chair standing in his place, and when he has finished, shall sit down.

4th. No member shall speak more than twice in any one debate, on the same day, without leave of Senate.

5th. When two members rise at the same time, the President shall name the person to speak; but in all cases, the member first rising shall speak first.

6th. No motion shall be debated until the same be seconded.

7th. When a motion shall be made and seconded, it shall be reduced to writing, if required by the President or any member, delivered in at the table and read, before the same shall be debated.

8th. While a question is before Senate, no motion shall be received, unless for an amendment, for the previous question, or for postponing the main question, or to commit, or to adjourn.

9th. The previous question being moved and seconded, the question from the chair shall be, "Shall the main question be now put?" and if the nays prevail, the main question shall not then be put.

10th. If a question in debate contains several points, any member may have the same divided.

11th. When the yeas and nays shall be called for by two members, each member called upon shall (unless excused by Senate) declare openly, and without debate, his assent or dissent to the question, and upon the call of the house, the members shall be taken by their names in alphabetical order.

12th. Any member intending to ask leave to bring in or move for a com-

mittee to be appointed to report a bill, shall give at least one day's notice of such intention, and the title of such bill.

13th. No bill shall be committed or amended until it shall have been twice read, after which, it may be referred to a committee.

14th. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, without debate; but if there be a doubt in his mind, he shall call for the sense of Senate.

15th. If a member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

16th. When a blank is to be filled, and different sums and different days shall be proposed, the question shall be taken on the highest sum and most distant day first.

17th. All petitions shall be numbered as they are received, and taken up and decided on in the same order as they were received.

18th. No member shall absent himself from the service of senate, without leave of senate first obtained.

19th. The motion of adjournment shall be the first in order, without debate.

20th. No member shall leave his seat after adjournment, until the President shall have left the room.

## A LIST OF TAX COLLECTORS IN ARREARS IN 1827.

<i>Collectors' Names</i>	<i>Of what county</i>	<i>For what year</i>	<i>The amount due.</i>
James M. Linsey	Camden	1802	\$27 00 Cts.
John Boog	Camden	1803	74 87
John Boog	Camden	1804	414 05
Joseph Crews	Camden	1805	162 95
Joseph Crews	Camden	1806	582 72
Joseph Crews	Camden	1807	487 80
William Scott, Jr.	Camden	1814	2,581 75
George H. Davidson	Bryan	1806	23 55
R. T. Keating	Bryan	1807	629 25
R. T. Keating	Bryan	1809	152 48
R. T. Keating	Bryan	1810	146 62
John Waddle	Clark	1802	56 91
Peter H. Collins	Columbia	1807	47 48
Benjamin S. Lanier	Scriven	1807	122 30
Benjamin S. Lanier	Scriven	1810	159 04
John L. Emanuel	Scriven	1815	53 82
R. W. Williamson	Scriven	1817	103 58
William Oliver	Scriven	1820	1,133 44
James Boston	Scriven	1822	178 30
James Powell	Glynn	1806	116 39
James Powell	Glynn	1807	69 47
James Powell	Glynn	1809	202 31
John Burnett, jr.	Glynn	1813	169 72
James Kenedy	Glynn	1814	1,326 35
William Piles	Glynn	1815	324 05
Robert Payne	Glynn	1816 & 1817	2,749 66
William Purvis	Glynn	1818	992 79
John Stewart	Liberty	1811	133 42
John Winn	Liberty	1819	168 23
Murdock McLeod	McIntosh	1801	187 98
John Couper	McIntosh	1803	937 06
John Couper	McIntosh	1804	1,048 64
John Couper	McIntosh	1805	1,079 14
John Couper	McIntosh	1807	365 16
William D. Taylor	McIntosh	1814	986 80
James Belcher	Chatham	1803	481 43
Peter Deveaux	Chatham	1809	8,437 32
Peter Deveaux	Chatham	1810	11,758 49
William Noble	Morgan	1808	20 72
Epps Duke	Morgan	1811	102 22
Jere Sparks	Morgan	1815	3 93
Thomas Hughes	Jackson	1813	74 56
John Bishop	Hancock	1811	66 71
Daniel S. Pierce	Wilkinson	1812	333 95
Isaac Hall	Wilkinson	1821	1,135 35
James Lockhart	Lincoln	1803	49 86
John Hobson	Jones	1810	20 39
John Simmons	Jones	1820	410 92
David E. Kemp	Wayne	1813	9 77
David E. Kemp	Wayne	1819	20 23

David Brown	Jefferson	1815	24 24
Alfred Thompson	Laurens	1818	586 55
Lemuel Owen	Putnam	1819	4,104 49
Silas Overstreet	Tattnall	1818	418 25
Silas Overstreet	Tattnall	1819	410 19
Silas Overstreet	Tattnall	1820	460 48
Joseph Durrence	Tattnall	1822	110 97
Thomas H. Handley	Richmond	1819	7,518 83
James Loyless	Warren	1820	1,822 15
William A. Carr	Early	1820	29 41
William Waller, sen.	Washington	1821	2,181 92
Phillip Bosworth	Fayette	1822	44 73
Spencer Riley	Houston	1822	9 02
John Wells	Bryan	1823	52 28
Francis West	Fayette	1823	341 21
Thomas Hays	Newton	1823	12 73
Daniel Cornwall	Pulaski	1823	491 92
John Graham	Telfair	1823	8 42
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Edward Butler	Morgan	1824	1,263 88
Lewis Weitman	Effingham	1825	76 41
C. C. Cooper	Glynn	1825	138 76
Reuben G. Anderson	Habersham	1825	105 88
Edward Adams, jr.	Jackson	1825	149 66
Uriah Kinchen	Laurens	1825	674 52
David Wimberly	Washington	1825	833 81
John Wilkinson	Wilkes	1825	354 87
Thomas Clark	Montgomery	1825	136 86
Richard Grimsly	Early	1825	146 86

## DIRECT TAX.

Christian Gugie	Chatham	1813	672 47
William Scott, jr.	Camden	1813	177 73
William Piles	Glynn	1815	313 60
Jeremiah Loftin	Laurens	1815	557 51
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 Bill to reduce the fees of Jailor of, rejected 130.  
*Cartledge James*—his petition read 95, report on 101, agreed to 102.  
*Corry Robert*—his petition presented 105, bill in his favor rejected 194.  
*Church, Presbyterian, in Decatur*—notice for bill to incorporate 105.  
 “ in Lexington—bill to incorporate passed 200.  
 Baptist and Presbyterian in Washington—bill to incorporate passed, ed 200.  
*Counties, new*—bill for division of, passed 106, supplementary bill reported 167.  
*Camden county*—bill from H. of R. to amend road laws as respects, passed 117.  
*Carroll and Coweta counties*—bill reported to divide them into electoral districts, and to add a part of Cherokee Nation to Carroll 132, passed 187.  
*Courts*—of Law and Equity—bill to admit certain persons to practice in, passed 135.  
 Superior and Inferior—bill to alter the times of holding in Chatahoochee Circuit, passed 130.  
 Bill to alter the time of holding in Southern Circuit, passed 233.  
 Of Ordinary—bill authorising them to issue letters of guardianship on personal property of illegitimate children, passed 179.  
*Cleghorn, Dolly and William*—bill to divorce, reported 135, passed 195.  
*Constables*—bill to amend the act to compel them to pay over money collected, passed 137.  
*Columbus, town of*—bill to incorporate, reported 154, passed 203, resolution to withdraw from the Governor, to correct mistake in the enrollment of, 295.  
*Caudle David and Rebecca*—bill to divorce, passed 179.  
*Chapman Abner*—his petition presented 131, rejected 261.  
*Cary Edward*—elected Inspector of Penitentiary 202.  
*Carnes Robert W.*—elected a commissioner of fraction sales 306.  
*Campbell Daniel C.*—report of house on his memorial concurred in, 311.  
*Crawford county*—bill to add a part of to Talbot, passed 293.  
*Camden county*—bill to amend the Patrol laws as respects, passed 232.  
*Cherokee Nation*—bill of house extending jurisdiction over territory of, laid on the table for remainder of session 310.  
 Bill to add a part of to Carroll, and a part to DeKalb county, passed 137.  
*Cherokee Lands*—report of committee on State of Republic on, 213.  
 Resolutions in regard to, passed 223.

## D.

- Divorces*—notice for bill to make decision of the Superior Courts final in, 58  
*Davis William B.*—his memorial presented, 77.

- Dunlap James A.* of Florida—bill authorising him to practice law in the courts of Georgia, passed 98.
- Decatur*, town of—notice for bill to incorporate Presbyterian Church in, 105, passed 132.
- DeKalb county*—resolution offered to authorise Sheriff of to rent out fraction No. 281 in the 17th dist. of Henry, 111, amended to sell and passed 132.
- Bill to add part of Cherokee Nation to, passed 127.
- Dooly county*—bill of house to add academical to poor school fund of, passed 117.
- Bill to add part of to Lee, passed 282.
- Draws fraudulent*—bill for the relief, in certain cases, of persons who have purchased, passed 131.
- Darien*—bill to extend the laws regulating Health Office of Savannah to, reported 159, passed 174.
- Bill respecting executions issued from Mayor's court of, reported 159, passed 175.
- Decatur county*—bill to change the time of holding Inferior court of, passed 173.
- Domestic Manufactures*—report of committee on the state of Republic on; agreed to 224.
- Darien Bank*—bill for its removal to Milledgeville rejected 272.
- Dunwoody James*—elected on the part of State a Director of the Darien Bank, 291.
- Darnell Joseph*—resolution of house in favor of, concurred in 311.
- Defaulting Tax Collectors*—list of ordered to be annexed to the Journal of Senate 311.
- List of, annexed to journal 323, 324.
- Deeds and Mortgages*—bill for recording of, passed 316.

## E.

- Elbert county*—notice for bill to lay off additional election districts in, 6; passed 54.
- Executors*—notice for bill to compel them to give bond and security as administrators 33.
- Estrays*—notice for bill to compel clerks of Inferior courts to advertise in 3 or 4 papers 31, passed 185.
- Election Districts*—bill to amend the act to establish in Gwinnett county, passed 179.
- Bill to divide Carroll and Coweta into, reported 132.
- Bill to establish one in Jones county, passed 112.
- Bill to establish one in Monroe county, rejected 192.
- Bill to establish in Habersham county, passed 179.
- Bill to establish one in Jefferson county, passed 200.
- Notice for bill to repeal the act establishing one in Scriven 200.
- Effingham county*—bill of house to repeal certain road laws as respects, 297.
- Early, Lee and Pike*, counties of—bill of house to establish and regulate election districts in, 297.
- Eastern District*—bill altering the time of holding Superior Courts in, passed 298.
- Eatonton*—bill to extend and define the corporate limits of, 313.
- Emanuel county*—notice for bill to amend act as respects free schools in, 20, passed 49, amendments of house to, rejected 285.
- Bill reported to repeal an act laying off election districts in, 103, passed 117.
- Amos*—applies for leave to establish a ferry 21, bill passed 50.

## F.

*fractions*—notice for bill to give temporary relief to purchasers of, 81, neg-  
ed 121.

*fraudulent Drawers* --notice for bill to shorten the period within which  
actions shall be instituted against, 84, rejected 80, reco-  
ed 81.

Bill more effectually to define the mode of perfection of, 82,  
reported 95, passed 166.

*fees of public officers*-- notice for bill to fix 78, lie on table, neg. res-  
olution 149, reconsidered 152, passed 199.

*Fort Hawkins*--notice for bill to sell reserved lands 159.

*Fractional Surveys and Reserves* -- notice for bill to sell reserved lands,  
109.

*fraction in Henry county*—resolution offered to have No 281 in 10th  
district of Henry rented out 111, amended to sell and passed  
132.

*Finance*, committee on—report of relative to examination of the Comp-  
troller General's and Treasurer's offices, concurred in 200.

*Fayetteville in Fayette county*—bill to repeal part of an act to make perma-  
nent site of public buildings at, 200.

*Fountain James and Mary*—bill to divorce rejected 209, reconsidered 218.

*Franklin county*—resolution relating to poor school fund of, ordered to lie  
on the table 273.

*Fisher Michael*—resolution for correcting mistake in grant to him 273.

*Fort Hon. M.*—letter from to the President, in relation to the resolution of  
house for his removal from office 290, resolution passed per-  
mitting him to appear by attorney 290, communication from  
298.

Question taken on concurring with the house for his removal from  
office, determined in the negative 294.

*Fraser Mr*—elected on the part of State a Director of the Darien Bank,  
291.

*Gannin Abraham B.*—elected a Director of the State Bank 291.

*Fort Elias*—elected a Director of Planters' Bank 291.

*Fayette county*—bill of house to establish an additional electoral district in,  
passed 207.

*Franklin county*—resolution of house relative to comm's of poor school  
fund of, concurred in 311.

## G.

*Governor*—notice for committee to wait on, 5, appointed 6.

Communication of to the Legislature 7, 19, reference of to various  
committees 30.

Election returns of received from Executive and sent to house of  
representatives 19.

Forsyth John declared duly elected 19.

Messages from in relation to E. Wood's accounts 28, report on  
131, communicating abstract of return of votes on the subject  
of Convention 23—On Ludwell Watts' case 24.

Inauguration of 24, message from 29.

Message from on report of Messrs. Lamar & Hines 36.

Message of on the constitutional provision for the publication of  
State laws 49.

Communication from respecting errors committed in surveying  
1st dist. & sec. of new territory 53, report of com. on 165.

- Governor**--communication from, on proposition of Bank of Darien 68, report on 81.
- Communication from, transmitting report of the comm'rs of the Ocmulgee river, 68.
- Communication from, disapproving resolution respecting the delivery of Laws and Journals in the several counties 100.
- Communication from, relative to boundary with Florida 107, referred to com. on state of Republic 108.
- Communication from, disapproving the resolution acceding to the proposition of the Bank of Darien 122, reference of to committee 126, report on 187.
- Communication from, respecting the examination of 10th dist. of Irwin by Wm. Ashley 140.
- Communication from, respecting two lots of land drawn by Elizabeth C. Thomas 140.
- Communication from, relating to certain lots of land drawn in last lottery by persons not entitled to draws 151.
- Communication from, transmitting information of the condition of Bank of Darien, as reported by a meeting of the stockholders 169.
- Communication from, respecting mistake in draw in land lottery 175.
- Communication from, relating to money deposited by comm'rs of Savannah river in Bank at Washington 191, report on agreed to 202.
- Communication from, transmitting report of comm'rs for improving certain water courses 191.
- Communication from, respecting legal opinions on the constitutionality of reposing the Darien Bank 201.
- Communication from, relating to act to compel persons owning plantations in Bryan county to make returns and pay taxes there 274.
- Communication from, relating to grant issued to Charles Boatwright 283.
- Resolution calling on the Governor for information relative to the execution of Ludwell Watts 303, communication from the Governor in answer thereto 306.
- Communication from, on the resolution authorising the payment of salaries and perquisites to State-house officers 317.
- Grants**--notice for bill to legalize such as have issued without the Governor's signature 19.
- Bill authorising the Governor and Secretary of State to correct errors in issuing 139.
- Gwynn county**--notice for bill to regulate the trading of merchants and shopkeepers in 20, passed 59.
- Bill to amend the road law of, reported 154, passed 262.
- Gulphin**, representatives of--their petition presented 21, report on 119.
- Grantham Wm. M. and Rachel**--notice for bill to divorce 28, rejected 55.
- Georgia**--resolution for obtaining papers relating to the early history of from public officers in England 88, agreed to 45.
- Gwinnett county**--report of trustees of poor school fund of presented, and leave granted to withdraw 111.
- Bill to alter the time of holding Superior courts in 282.
- Motion to lay on the table balance of session bill requiring Sheriff of to advertise his sales in Milledgeville rejected 286, bill rejected 286.
- Gates' Ferry** on Chatahoochee--notice for bill to establish 115, passed 142.
- Charles**--resolution of house appointing him a comm'r of Chatahoochee river concurred in 311.

*Obson Obadiah C.*—bill to authorise his practising law reported 141, passed 156.  
*Government house*—resolution of house relative to repairing and furnishing concurred in 146.  
*Gaddis James*—bill authorising the remission of fine incurred by him, passed 178.  
*Gibbs Thomas F.*—elected a commissioner of fraction sales 306.  
*Gray Curtis G.*—report in favor of concurred in 311.

## H.

*Hansell Wm. Y.*—elected Secretary of Senate 5, leave of absence granted to 50, thanks of Senate tendered to 311.  
*Hayman Henry*—his petition presented 7, report on 22, rejected 43.  
*Henry county*—notice for bill to alter the time of holding elections in 7, passed 47.  
 Petition of trustees of poor school of presented 52, bill for relief of passed 118.  
*Herb William*—his petition presented 20, resolution in favor of 26.  
*Hancock county*—petition of citizens of 20, bill to add part of Baldwin to passed 102.  
 Bill to authorise Sheriff of to advertise his sales in Hancock Advertiser passed 177.  
 Bill to regulate the poor school fund for, passed 282.  
*Hoxey Dr. Thomas*—elected Brigadier General 37.  
*Howard Col. N.*—elected Brigadier General 37.  
*Houston county*—citizens of petition for a new county 38.  
 Bill to add part of to Pulaski reported 92, passed 150.  
*Harris Iverson L.*—appointed Secretary of Senate pro tem. 51.  
*Hopkins Wm.*—bill for his relief reported 64.  
*Holt Hines*—elected Treasurer 69.  
*Hamilton Everard*—elected Secretary of State 69.  
*Howard Thacker B.*—elected Comptroller General 69.  
*Henderson Archibald*—his petition presented 77, report on 104, rejected 154.  
*Hall Isaac*—his petition presented 95, report on 118.  
*Holt A. B.*—appointed clerk pro tem. 110.  
*Habersham and Hall counties*—report on the petition of citizens of 115, agreed to 116.  
*Harris Benjamin F.*—report of committee on his accounts as Solicitor General 116, agreed to 274.  
*Holt Simon*—petition of presented 136.  
*Harris Joshua*—bill to authorise him to establish a ferry across the Ocmulgee river reported 147.  
*Habersham county*—bill authorising Inferior court of to remit a fine incurred by James Gaddis, passed 178.  
 Bill to establish election district in, passed 179.  
*Hall county*—bill to authorise an additional company of Riflemen in, passed 260.  
*Harris county*—bill to organize passed 274.  
*Hobson J. W. H.*—bill vesting his estate in Felix Lewis and wife, passed 282.  
*Husbands*—bill declaring and making certain the right of husbands in the property of their deceased wives, laid on the table the remainder of the session 298, reconsidered 307, passed 316.

## I.

*Ireton county*—notice for bill to sell lots Nos. 10 and 100 in, 10.

- Irwin county*—bill to appoint commissioners to select site for public buildings in, passed 200.
- Bill to appoint trustees for poor school fund of, passed 200.
- Judiciary Acts*—notice for alteration of, as respects illegality in execution, 26
- Notice for alteration of as relates to jurisdiction of Justices of the Peace, bill reported 89, rejected 143.
- Bill of house to repeal part of act to revise and amend, passed 297.
- Justices of the Peace*—notice for a committee to report a bill to compel them to give bond and security 34, passed 93.
- Bill to amend the act compelling them to pay over money collected by them, reported 137,
- Jackson county*—bill to change the times of holding Inferior courts of, reported 89, passed 54.
- Bill reported to lay off into school districts 74, passed 93.
- Johnson Lewis Jr.*—bill reported to relieve him from penalties of act of confiscation and banishment 39, passed 60.
- Jasper county*—petition of citizens of, for establishment of an electoral precinct, 74, report unfavorable to and leave granted to withdraw their memorial 32.
- Notice for bill to alter the time of holding courts in, 109.
- Judges of Superior Courts*—bill reported to amend the act to compel them to convene at seat of government 92, passed 161, reconsideration of moved and negatived 164.
- Jones county*—bill reported to establish election district at house of Luke Roberts 99, passed 112.
- Bill to amend the act for distributing nett proceeds of poor-school fund, as regards Jones county, 172.
- Internal Improvement*—bill to prescribe a permanent system of, reported 99, rejected 194, reconsidered 203.
- Board of recommended by com on Agriculture 255.
- Incestates' estates*—bill to amend the laws regulating the descent of, reported 130, passed 187.
- Jones John A.*—petition of, praying a loan of Darien Bills, presented 136.
- Jurors Petit*—notice for bill to compensate 50, read first time 75, withdrawn 142.
- Jordan Warren*—resolution of house in his favor concurred in 159.
- Jefferson county*—bill to establish an additional election district in, passed 200.
- Irwin Hannah and Charles*—bill to divorce, passed 210.
- Jackson county*—resolution respecting the poor school fund of, 212.
- Inspectors of Penitentiary*, elected 202.
- Jackson Gen. Andrew*—resolutions offered, pledging the support of the State for him as next President, 205, laid on the table for the present 267, taken up 278, substitute proposed for 278, additional substitute offered 278, division on the question for laying the original and substitutes on the table for the present 279, motion for laying them on the table for the balance of the session lost 279, previous question moved and carried 280, original resolution agreed to 281, protests of senators who voted against the resolution 303, 304.
- Informers* against fraudulent draws—bill giving preference to those who take out the grants, passed 316.

## K.

- Kemble Peter*—his memorial, as executor of Isaac Gouverneur of N. Jersey, presented 36.
- Keener John and Lawson*—their petition presented 66, report on agreed to 92.

**Knox Peter**—report respecting a mechanical invention of his, reported, agreed to 265.  
**Kenan Thomas H**—elected Inspector of Penitentiary 202.  
**Kimberly Anson**—elected a Director of Darien Bank 292.  
**Kendrick Harvey**—resolution of house in favor of, disagreed to 311.

## L.

**Land Lotteries**—notice for bill to extend the time for taking out grants in, 20.  
 Bill for relief of certain drawers in, rejected 200, reconsidered 203, passed 203.  
**Light Obediah**—bill reported to establish his ferry 44, passed 53.  
**Lands**—notice for bill to amend the act to render easy the conveyance of, 76, passed 142.  
 Bill to prevent the surveying or granting of certain, reported 167, passed 184.  
 Lands reserved for use of the State—bill to dispose of, reported and read first time 115, passed 186.  
**Lee county**—petition of part of the citizens of to be annexed to Baker 39, rejected 143, reconsidered 145, passed 206.  
**Lotteries**—notice for bill to authorize one, to aid in building Masonic Hall in Monroe 91, passed 98.  
 Notice for bill to authorize one for building Masonic Hall in Marion 91.  
**Loundes county**—petition of citizens for division of, presented 105.  
**Lynch Lewis**—his petition presented 132, bill for his relief passed 194.  
**Library Society of Augusta**—bill to incorporate, reported 145, passed 160.  
**Lewis Felix**—bill vesting in him and wife the estate of J. W. H. Hobson, passed 282.  
**Laurens county**—bill to amend the patrol laws as respects, passed 282.  
**Law**—bill to authorize certain persons to practice, laid on the table balance of the session 285, reconsidered 291, passed 317.  
**Lewis Pierce A.**—resolution of house requesting Inferior courts of Jones and Monroe counties to rescind orders establishing his ferry, concurred in 311.  
 Bill to repeal the act making permanent his ferry over Ocmulgee river, passed 313.  
**Orders of Inferior courts of Jones and Monroe counties, relative to Lewis' ferry**, 314, 315.

## M.

**Muscogee county**—petition for division of 23.  
**McKay Eliza**—her petition presented 91.  
**Money, dealers in**—tax on proposed 38, rejected 175.  
**McTure**—petition of presented 40.  
**Marlin James**—bill passed to change his name 47.  
**Militia**—notice for bill to create two new brigades and one division of, 35, passed 187.  
 Bill of h. of r. to create a new division of, passed 117.  
**McCrimmon Duncan**—appointed a commissioner of Montgomery Academy 58.  
**McBride John**—elected Surveyor General 69.  
**Melton Col Wm.**—his memorial presented 74, permitted to withdraw 166.  
**Milner Joshua**—resolution of house in favor of, concurred in 76.  
**Miller Nicholas**—his petition presented 76.  
**Morgan Luke J.**—his memorial presented 81, report on 89, agreed to 102.

- Macon**—notice for bill to authorise the raising of money by lottery, to build Masonic Hall in, 85, passed 117.  
 Bill to dispose of the unsold lots in town of, and lands adjacent to, passed 142.  
 State's Agent at—resolution to fix his commissions 175.
- Macon Bank**—resolution proposed for receiving notes of in Treasury 114.
- Macon Edgar**, of Tallahassee—bill authorising him to practice law in courts of Georgia, passed 98.
- Monroe town of**—notice for bill to authorise the raising money by lottery to build Masonic Hall in, 91.
- Marine and Fire Insurance Company of Savannah**—bill to amend the act incorporating, reported 94, passed 166.  
 Their memorial, protesting against the further loaning of money at Darien, as inexpedient, presented 193.
- Madison county**—notice for bill to amend Road Laws as regards 105, passed 117.
- Merchants' and Planters' Bank of Augusta**—bill to incorporate, reported and read first time 110, passed 184.
- Monroe county**—petition of citizens of, for an election precinct, 114, rejected 132.
- Methodist Episcopal Church in Lexington**—bill from H. of R. to incorporate, passed 117.  
 In Macon—bill to grant a portion of land to, for parsonage house, rejected 180, reconsidered 181.
- McIntosh county**—bill of H. of R. to amend the act establishing district elections in, passed 117.
- Manumission**—bill to manumit two slaves, passed 117.
- Mackay Eliza**—her petition rejected 156, reconsidered 159, agreed to 265.
- Music Joel**—bill reported to explain and amend an act vesting in his sisters the State's right to property left by him 176, passed 193.
- McGhough John Wesley**—bill to change his name passed 178.
- Masonic Hall of Augusta**—bill to incorporate trustees of, passed 178.
- Manufactures Domestic and Internal Improvement**—motion to amend report on adopted 223, report agreed to 224.
- Meriwether county**—bill to organise passed 274.
- Marion county**—bill to organise passed 274.
- Muscogee county**—bill to organise passed 274.
- Masons and Carpenters**—bill giving them a lien for work done on houses in Richmond and Chatham counties, passed 282.
- Myers Mordecai**—elected a Director of State Bank 292.
- Morell John H.**—elected a Director of Planters' Bank 291.
- Myrick Evans**—elected a comm'r of fraction sales 306.
- Mercer John**—elected comm'r of fraction sales 306.
- McIntosh Rally**—resolution of house in favor of concurred in 311.
- Mortgages and Deeds**—bill to provide for recording of, passed 316.

## N.

- Names changed**, and certain persons legitimized, bill passed 46.
- New counties**—bill for division of passed 106, bill supplementary to report—ed 167.

## O.

- Ocmulgee river**—bill to appoint commissioners of, reported 52, passed 67.  
 Report on 104, resolution of house appointing comm'rs of above Macon, concurred in 311.



- Ogeechee Navigation Company*—propose to surrender their charter 81, report on 92, report disagreed to 283.
- Ocmulgee District*—bill reported to alter the times of holding Superior and Inferior courts in, as respects the counties of Wilkinson, Jones and Jasper, 115, passed 188.
- Oglethorpe county*—bill authorising Inferior court of to levy an extra tax, passed 179.
- Orphans*—bill to amend an act to protect the estates of, passed 209.
- Ordinary Courts of*—bill authorising them to issue letters of guardianship on personal property of illegitimate children, passed 179.
- Oconee river*—report of com. of Agriculture and Int. Improvement on report of comm's of, concurred in 278.

## P.

- Penitentiary*—resolutions for taking the sense of the people in regard to 22, laid on the table balance of the session 143, motion to reconsider rejected 151.
- Resolutions offered respecting monies due to 212.
- Keeper and Inspectors of elected 202.
- Resolution of house requesting the Governor to procure from Governors of other States copies of their penal codes, concurred in 311.
- Penitentiary Committee*—report made by 145, taken up 148.
- System—paper stating objections to, submitted for consideration 147.
- Report and resolutions agreed to 265, 267.
- Petit Jurors*—notice for bill to compensate 50, read first time 75, withdrawn 142.
- Pellars*—resolution of house concerning, concurred in 61.
- Powell Allen B.*—elected President pro tem. of Senate 108.
- Poor School Fund*—bill in relation to passed 117.
- Poor Schools*—bill to establish board of visitors for, reported 154, disagreed to 199.
- Physicians Board of*—invite the attendance of both branches of the Legislature at the delivery of their Anniversary Address 122.
- President of Senate*—his opinion on the reconsidered bill to lay off a new county out of DeKalb, Fayette, &c. 127.
- Printing Committee*—resolution requesting chairman of to report what contract has been made for job printing 132, report made on 137.
- Personal Property*—bill to facilitate recovery of in certain cases, reported 136, passed 197.
- Phillips Spencer*—his petition presented 141, agreed to 155.
- Public Officers*—bill to fix the fees of, where the same are not ascertained by law, ordered to lie on table remainder of session 149, reconsidered 152, passed 199.
- Pulaski county*—bill to add part of Houston to, passed 150.
- Bill to establish additional election district in, passed 179.
- Patrick John M.*—his petition presented 155, report on 166, leave to withdraw 185.
- Presbyterian Church in Lexington*—bill to incorporate, passed 200.
- Poor*—bill authorising a lottery for benefit of in Burke county, rejected 201.
- Public Property*—bill to relieve renters of, passed 271.
- Peace, security of*—bill regulating proceedings on bonds taken for, passed 282.
- Pulaski county*—bill to amend the patrol laws as respects 282.

- Planters' Bank*—Directors of on the part of the State elected 291.  
*Perry, town of*—bill to alter act of incorporation, laid on the table remainder of session 298.  
*Protests of Senators* voting against the resolution relative to Gen. Jackson, 303, 304.  
*Property*—bill of house to give relief to bona fide purchasers of, under certain circumstances, ordered to lie on the table balance of session 310.  
*Penal Codes*—res. of house requesting the Governor to procure from other States, concurred in 311.  
*Persons of color*—bill more effectually to enforce the act as regards their coming into the ports of this State, passed 312.

## Q.

- Quinn Wm. and Lewis R. Beman*—their petition presented 35.

## R

- Rail-road*—petition for by T. Spalding, presented 5, bill reported and read first time 29, 2d reading 42, passed 72.  
*Road Laws*—notice for amending them as regards Rabun county 6, passed 54.  
     Notice for bill to amend as regards Chatham county 78.  
     Notice for bill to amend as regards Madison county 105.  
     Bill to alter as respects the counties of Jackson, Burke, Madison, Jones, Laurens, &c. ordered to lie on the table remainder of session 298.  
*Road*—resolution instructing the committee on Internal Improvement to enquire into the utility of opening one from Pindertown to Bainbridge 141, report on agreed to 297.  
     Report of committee of Internal Improvement on Locust Stake Road in Rabun county, agreed to 297.  
*Rabun county*—petition of citizens of, presented 21 : Bill respecting poor school fund of, passed 54.  
*Reporters*—seats for, to be assigned by President of Senate 22.  
*Reserves in Butts county*—notice for bill to dispose of them 25, passed 129  
     In Houston—notice for bill to sell, 31.  
     In newly acquired territory—bill to rent out, passed 142.  
*Rutherford Benj. H.*—elected Brigadier General 51.  
*Rogers James A.*—his petition presented 61.  
*Richardson Amos*—report in favor of his heirs 30.  
*Richmond county*—petition of citizens of, for the establishment of another Bank, presented 116.  
*Reserves and Fractional Surveys*—notice for bill to sell 109.  
*Rent Laws*—bill to amend, passed 167.  
*Republic, Committee on State of*—resolution relating to Colonization Society, referred to, 43.  
     Report of on Southern expedition 168, report on Florida Line 169, agreed to 171.  
     Report on Governor's communication as regards the Cherokee lands agreed to 213.  
     Report on Governor's communication as regards the prohibition to survey the Creek lands 242.  
     Report on Domestic Manufactures, agreed to 224.  
*Reed Wm. P.*—bill for the relief of securities of, passed 179.  
*Riflemen*—bill to authorise an additional company of in Hall county, passed 200.

*Rushin John*—bill to authorise him to establish a ferry, passed 200.  
*Rudolph Zebulon and Eliza*—bill to divorce, rejected 209, reconsidered 219.  
*Richardson John*—report in favor of, agreed to 265.  
*Renters of public property*—bill for relief of, passed 271.

## S.

*Stocks Thomas*—elected President of Senate 5, leave of absence granted to 107, thanks of Senate tendered to 311.  
*Spalding Thomas*—his petition for Rail-Road presented 5.  
*Sherrar James*—his petition presented 7, leave given to withdraw 34.  
*Smith Hugh B*—his petition presented 25, bill for relief of, reported 34, in com. progress and leave to sit again 48, rejected 67.  
*Surveyor General*—res. for depositing numerical books in his office 25.  
*Smith John*—his memorial presented 28, rejected 40.  
*Settle Jane and William*—bill for their divorce, reported 33, passed 47.  
*Stone Eliza and Joshua*—notice for bill to divorce 34, passed 121.  
*Standifer Samuel*—notice for bill to change his name 39, passed 54.  
*St. Marys*—bill reported to incorporate Presbyterian Society in 39, passed 54.  
 Bill to reduce the Auctioneers' license in, ordered to lie on the table the balance of the session 232.  
*Secretary of State*—res. for examining office of, 44, agreed to 50.  
*Surveyor General*—res. to examine his office 44, agreed to 50.  
*Smith Margaret*—notice for bill to relieve 55, passed 138.  
*Sheriffs*—notice for bill to alter the act regulating their advertising in certain Circuits 64, passed 79—bill respecting the service of process by, rejected 316.  
*State-House*—notice for enlargement of, 88, com. appointed 91, res. of house making appropriation for, agreed to 146, com. added to that of h. to devise a plan for improvement of, 177, report of com. on, 183, agreed to 195.  
*State's Engineer*—res. proposed, requiring him to survey route of canal to Brunswick, 95.  
 Report of com. on Agriculture and Internal Improvement on his salary 184.  
*Scott Wm. Jr.*—res. respecting settlement of his accounts as tax collector of Camden 107, referred to com. of Finance 141, report on agreed to 182.  
*Scarborough Wm.*—res. appointing him a comm'r of the Altamaha river 127.  
*Smylie John G*—his petition presented 130, report on 141.  
*State of Republic*—report from com. of, on various subjects contained in Governor's communication, 134.  
*State-House Officers*—res. of house relating to late State House Officers, concurred in 145.  
*Smith William*—his petition presented 155.  
*Southern Expedition*—report on, from com. on State of Republic, 168.  
*State's Agent at Macon*—res. laid on the table, prescribing his commission, &c. 176.  
 Resolution fixing his commission, agreed to 265.  
*Savings Bank of Augusta*—bill to incorporate, passed 178.  
*Shiloh Baptist Church*—bill to incorporate passed 178.  
*Steam Rice-Mill Company of Savannah*—bill to incorporate, passed 179.  
*Senate, Rules of*—annexed to Journal 321, 322.  
*Scriven county*—notice for bill to repeal the act establishing election districts in, 200.  
 Resolution for paying the poor school dividend set apart for, to the trustees of poor school fund of, concurred in 273.  
*Secretary of Senate*—authorized to employ assistants to aid in bringing up the Journal 263.  
*Sheriffs' Claims*—bill to amend the act regulating, ord. for com. in June, 271.  
*Shackleford Mordecai*—authorised to build mill-dam across Alcofauhatchy river 271.  
*Southern Circuit*—bill to alter the times of holding the Superior Courts of, passed 288, motion to reconsider, rejected 293.  
*Schley George*—elected a Director of the State Bank 291.

*State Bank*—Directors of, elected 261.  
*Sparta*—bill of house to regulate slaves and free persons of color in, passed 291  
*Savannah, City of*—bill to amend and consolidate the several acts relating to the corporation of, &c. laid on the table for balance of sess. 310.  
 Resolution of house relative to arms and munitions of war in, concurred in 311.

## T.

*Territory, newly acquired*—notice for bill to lay off and divide counties of, & propositions to amend 84, passed 87, reconsidered 90.  
 Notice for bill to lay off into brigades 95.  
*Terrell David Jr.*—his petition presented 30.  
*Towaliga river*—bill reported to regulate tolls at bridges and ferries on, 39.  
*Treasury*—resolution for examination of, 44, report on state of 163, agr'd to 164.  
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*Thomas county*—notice for bill relating to tax returns of property in, 50, passed 79.  
*Taltnall county*—notice for bill to lay off electoral district in, 50.  
 Bill for the relief of citizens of, passed 59  
 Bill of house to compel Clerks of ~~county~~ <sup>county</sup> to have their offices within one mile of Justices of Inferior court of to levy an extra tax, &c. passed 179.  
*Tavern License*—notice for bill to amend the act regulating, 53, rejected 118.  
*Thompson Fanny and Richard G.*—bill to divorce, reported 135, rejected 196.  
*Trice William*—bill to authorise him to establish a ferry across Flint river, reported 137, ord. for com. in June 142, reconsidered 145, passed 150.  
*Terrell Joel*—notice for bill to authorise him to practice medicine 167, laid on the table balance of session 285, reconsidered 291.  
*Twiggs county*—resolution of house concurred in, allowing insolvent list of tax collector of, 177.  
*Turrentine James*—bill to authorise him to establish a ferry, passed 200.  
*Tanner Sarah*—bill to change her name, passed 200.  
*Troup county*—bill to organize, passed 274.  
*Talbot county*—bill to organize, passed 274—part of added to Crawford 298.  
*Troup Dr. James*—elected Director of Darien Bank on the part of State 291.  
*Tax for the support of Government*—bill to raise, passed 299.  
*Tucker Mary Ann*—resolution of house granting indulgence to her and securities, concurred in 311.  
*Tarver Elisha*—report on his petition, concurred in 311.  
*Tax-Collectors in default*—list of, ordered to be annexed to Journal of Senate 311—List of, annexed to Journal of Senate, 323, 324.

## U.

*Upson county*—notice for bill to divide into election districts 20, passed 66.  
*Unacoi Turnpike*—petition of Secretary of, 26, bill reported relating to, 90, passed 136.  
*Unfinished Business*—committee to bring up, appointed 199.

## W.

*Winn John*—petition in his favor 20, report on 41, agreed to 64.  
*Wanslow, Jonk and Sarah*—notice for bill to divorce 21, rejected 48, reconsidered 51, again rejected 77  
*Wright, Thomas and Louisa*—notice for bill to divorce 22, passed 55.  
*Williams Wm*—bill reported to change his name 39, passed 54.  
*Walton county*—notice for bill to amend act making permanent scite of public buildings of, 43, passed 79.  
*Ware county*—bill reported to compel Superior and Inferior Clerks of, to keep their offices within one mile of court-house, 44.

*Ware county*--bill to reduce amount of Sheriffs' bonds as far as respects, passed 200

Bill to eppoint additional trustees of poor school fund of, passed 271.

Bill to sell lots Nos. 10 and 100 in, passed 271.

*Whitfield, Ezekiel and Sarah*-- bill passed to change names of, 47.

*Warren county*--bill for establishing additional election district in, passed 55.

*Watts Ludwell*---res. of house respecting him, concurred in 57, bill for his pardon rejected 100, reconsidered 103, again rejected 135, resolution for his respite till 1st Dec. 1828, offered 145, motion to take up rejected 152.

Resolution for paying out of the contingent fund, amount of his expenses, to Butts county, 277 . Resolution calling on the Governor for information relative to his execution, 303: Communication from the Governor in answer to the resolution, 306.

*Warne Mrs. Julia P.*--her memorial presented 63, referred to com. 181.

*Woolfolk Sowell and John Wimberly*---their petition presented 92, report on 158, motion to agree to report negatived 262, reconsidered 267, agreed to 269.

*White Thomas*---petition of, presented 95, report on 104, disagreed to 159, reconsideration proposed and negatived 163.

Allowance made to him in the appropriation bill 308.

*Willis Martin*---~~agreed to 155~~ ~~counts as State's Agent 116~~, further report

*Willard George B.*---petition of, presented 130, report on, 149, resolution in favor of, agreed to 265.

*Wood Elisha dec'd*---report on his accounts, and resolution offered 181, amended and agreed to 265.

*Wilson, Catharine and John*---bill to divorce, reported 154, passed 197.

*Williams Wesley*---memorial of, presented 155.

*Wayne county*---bill to authorise the Justices of Inferior court of, to sell Academy building in, ord for com. in June 173.

*Wright, Nancy, and Wm. R.*---bill to divorce, passed 211.

*Whitfield James*---elected a commissioner of fractional sales, 306.

*Walton county*---res. of house relative to poor school fund of, concurred in 311

## Y.

*Young William*---petition of, presented 115, rejected 136









